

**Mike Cox
Attorney General**



**Report on FBI Fatal Shooting
of Luqman Ameen Abdullah**

I. Executive Summary of Findings

On October 28, 2009, Luqman Ameen Abdullah (formerly known as Christopher Thomas) was shot to death by members of a FBI arrest team during the execution of federal arrest warrants for him and four other individuals, in the City of Dearborn, Michigan. The arrests were authorized by a federal complaint¹ identifying Abdullah as an Imam of the Masjid Al-Haqq, based in Detroit, and as a highly placed leader of a nationwide radical fundamentalist Sunni group, consisting primarily of African-Americans. According to the federal complaint, the group's mission is to establish a separate, sovereign Islamic state within the borders of the United States that would be governed by Shariah law. Statements attributed to Abdullah in the sworn affidavit² filed in the U.S. District Court or by sources of the FBI include:

1. "Police, so what? Police die too! Feds die too!' and 'Do not carry a pistol if you're going to give it up to police. You give them a bullet' rather than surrendering your weapons."
2. "Abdullah told his followers that if the police try to take his weapons or try to apprehend him, he will respond with violence, and they will have to shoot him before they can arrest him."
3. "Abdullah told his followers it is their duty to oppose the FBI and the government and it does not matter if they die."
4. "The FBI knows that I will kill them."
5. The night before the arrest, Abdullah made statements to the effect that even if "12,000 agents" came for him he would resist. This statement was accompanied by Abdullah gesturing with his hand under his jacket—where he was known to carry a gun—and pretending to draw a gun out and shoot.
6. "We are going to have to fight. We are going to have to fight against the *Kafir*." The word "*Kafir*" is described in the federal complaint as a highly derogatory term used in reference to non-Muslims.
7. "If they are coming to get me I'll just strap a bomb on and blow up everybody."

Immediately following the shooting, the FBI requested the Wayne County Prosecutor's Office to conduct a prosecutorial review of the shooting to determine if a violation of Michigan criminal law occurred. The Wayne County Prosecutor's Office declined to review this matter.³ Instead,

¹ A criminal complaint is a legal document, similar to an indictment, used by the federal government to establish a finding of probable cause by a court that a crime was committed by the named defendants.

² See Attachment A (Language from sworn federal criminal complaint dated October 27, 2009).

³ See Attachment B (Letter from FBI Inspector Kenneth L. Moore dated February 23, 2010).

it referred the FBI to the Michigan Attorney General. The FBI then requested this office to conduct a review of the shooting – which the Attorney General agreed to perform.⁴

The circumstances surrounding Abdullah's death were investigated by the Dearborn Police Department. An internal FBI investigation was also conducted by the Shooting Incident Review Team of the FBI's Inspection Division. The purpose of the investigation was to determine whether the shooting was justified. The Department of Justice, Civil Rights Division, is also reviewing this shooting to determine whether any federal crimes were committed.

This office has now reviewed what the FBI has described as its complete investigation consisting of over 1600 pages of the FBI and Dearborn Police Department's investigative materials, including the interviews of 82 witnesses, to determine whether there is sufficient evidence to pursue criminal prosecution under state law. This examination involved:

- A review of the five-volume FBI Shooting Incident Review Team report (FBI Investigative Report);
- A review of the two-volume report of the Dearborn Police Department;
- A review of the federal complaint;
- Examination of various video and audio tapes generated during the arrest action;
- Meetings with the Dearborn Police Department investigators and the Shooting Incident Review Team Inspector in charge; and
- A site inspection of the Dearborn warehouse where the arrest and shooting occurred.
- Interviews by Attorney General investigators of both the Wayne County Medical Examiner who performed the autopsy and a privately retained forensic pathologist who reviewed the autopsy record.

As explained below in greater detail, the FBI agents' use of deadly force in this matter was legally justified. It is clear that the agents acted in self defense and/or in defense of others. The facts show Abdullah making a series of decisions that resulted in the use of deadly force against him—and ultimately his death. None of Abdullah's followers who complied with the police commands were injured in any way.

⁴ After the Attorney General agreed to perform this review, it was learned that one of the federal agents involved in the arrest operation shares the same surname as an individual involved in this review. There is no relationship, familial or otherwise, between the reviewer and this agent.

II. Factual Background

A. Pre-Arrest

On October 27, 2009, a criminal complaint was filed by the Department of Justice in the U.S. District Court for the Eastern District of Michigan charging Abdullah and ten other individuals⁵ with a variety of federal crimes involving conspiracy to receive and sell stolen property, mail fraud, and illegal possession of firearms and body armor. Arrest warrants were obtained the same day.

The complaint identifies Abdullah as a convicted felon who is a leader in a U.S.-based radical fundamentalist group who advocates for an offensive jihad against the U.S. Government and Law Enforcement. To quote from the complaint:

The investigation has shown that Luqman Ameen Abdullah, Imam of the Masjid Al-Haqq, in Detroit, Michigan, is a highly placed leader of a nationwide radical fundamentalist Sunni group consisting primarily of African-Americans, some of whom converted to Islam while they were serving sentences in various prisons across the United States. The primary mission is to establish a separate, sovereign Islamic state ("The Ummah") within the borders of the United States, governed by Shariah law. The Ummah is to be ruled over by Jamil Abdullah Al-Amin, formerly known as H. Rapp Brown, who is currently serving a life sentence in the Florence, Colorado, Supermax for shooting two police officers in Georgia.

In 1981, Luqman Abdullah was convicted in Wayne County, Michigan of felonious assault and carrying a concealed weapon. Further, a check of law enforcement indices shows that in 1979 Abdullah was arrested and charged with resisting arrest and assault on a police officer by the Mobile, Alabama, Police Department; the disposition of those charges is unknown.

Luqman Abdullah calls his followers to an offensive *jihad*, rather than a defensive *jihad*. He regularly preaches anti-government and anti-law enforcement rhetoric. Abdullah and his followers have trained regularly in the use of firearms, and continue to train in martial arts and sword fighting. Abdullah encourages members of the Masjid Al-Haqq, many of whom are convicted felons, to carry a firearm [sic], and information obtained during the course of this investigation indicates that many of Abdullah's followers are usually armed. Abdullah preaches that every Muslim should have a weapon, and should not be scared to use their weapon when needed. Members and former members of the Masjid Al-Haqq have stated they are willing to do anything Abdullah instructs and/or preaches, even including criminal conduct and acts of violence.⁶

⁵ The ten other men charged with federal crimes were: Mohammad Abdul Bassir, Muhammad Abdul Salaam, Abdul Saboor, Mujahid Carswell, Abdullah Beard, Mohammad Philistine, Yassir Ali Khan, Adam Hussain Ibraheem, Garry Laverne Porter, and Ali Abdul Raqib.

⁶ See Attachment A (Language from sworn federal criminal complaint dated October 27, 2009).

Federal investigators obtained information from at least three confidential sources going back to 2007 that detail Abdullah's willingness to engage in criminal activity and advocacy of violence against the government and law enforcement. According to the federal complaint, this evidence has been provided for in sworn statements to the FBI or undercover recordings of conversations with Abdullah and others. Knowingly providing false testimony in these sworn statements would subject these individuals to possible prosecution for perjury, as well as for violating 18 USC 1001(a)—lying to a federal agent, a 5-year felony.

The FBI obtained authority to conduct an undercover operation in November of 2008. The purpose of the undercover operation was to provide opportunities for anyone interested to participate in the theft of, and later in selling goods they believe have been stolen. The investigation was based, in part, upon information provided by confidential informants who were told by members of the Mosque that they were willing to fence stolen merchandise.

During the course of the investigation, there were ten undercover criminal transactions involving the selling or receiving of stolen property over a ten month period, ranging from December 4, 2008, through October 8, 2009. After the tenth illegal transaction, plans began to affect the arrests.

B. The Arrests

Federal agents developed arrest plans that were presented to the Special Agent In Charge of the FBI Detroit Field Office. The Detroit Special Agent In Charge requested the assistance of the Hostage Rescue Team, which included K-9 and helicopter support. Final approval was then given to a plan that combined Hostage Rescue Team and Detroit SWAT agents affecting the arrests in a FBI controlled warehouse located at 5171 Miller Road in Dearborn. The confidential informants arranged with Abdullah and his followers to meet at the warehouse to transfer what they believed were 303 stolen televisions from one truck to another. These were 42" high-definition flat screen televisions that routinely retail at over \$1,000 each—thus, this theft involved property worth in excess of a quarter of a million dollars.

The arrest plan is set forth in the SWAT Annex Report.⁷ In summary, there were 66 agents involved in the arrest operation. Agents were positioned in the parking lot, inside the warehouse, and at a command center set up several blocks away.

The plan lists each of the 29 agents that were secretly inserted into the warehouse and their assignments for the arrest. Agents were assigned to several rooms on the first and second floors of the warehouse. They were concealed in those rooms before the targets arrived. A closed circuit T.V., linked with five different cameras, allowed the agents to see everyone arrive and monitor their movements once inside the warehouse.

The arrest operation was carefully planned, including three separate rehearsals over the course of a week inside the warehouse by all agents involved. Various arrest locations were considered,

⁷ See Vol. 3 of the FBI Investigative Report, Tab 70 (Arrest Plan).

but the warehouse was selected by the FBI because it concluded that the warehouse afforded the most safety to the public, the agents, and the confidential informants.⁸

Before the arrest, the team was briefed on the criminal histories of the suspects—including Abdullah's prior arrests for felonious assault, resisting arrest, and assaulting a police officer. Agents were also briefed on Abdullah and his followers' anti-government and anti-law enforcement threats and the FBI deadly force policy.⁹ Agents were informed that deadly force to protect the life of the FBI dog was not permissible.

On October 28, 2009, two undercover FBI agents were joined at the warehouse by a confidential informant along with the targets and proceeded to move “stolen” flat screen televisions from one semitrailer to another. Both semitrailers were backed up to bays at the northwest corner of the warehouse. Consistent with the plan, the confidential informant and two undercover FBI agents made various excuses to leave the warehouse. When the last one departed, explosive diversionary devices were employed.¹⁰

SWAT/Hostage Rescue Team agents, clothed in marked tactical uniforms and armed with M-4 rifles, exited the rooms in which they were hiding and entered the main room of the warehouse, which was well lit.¹¹

According to the statements of eye-witness agents, Abdullah and his followers were given loud, verbal, repetitive commands ordering them to lie down on the ground and show their hands.

Abdullah refused to comply with the FBI's commands. Instead, Abdullah ran to an exit door, but it was locked. With no immediate exit, Abdullah turned and fled inside one of the nearby semitrailers. At this time, all of Abdullah's followers complied with the agents' commands—Abdullah was the only suspect who was resisting arrest.

Abdullah stood up against the wall by the trailer and concealed his arm behind his back. As the agents approached him with guns drawn, Abdullah laid down on his stomach just inside one of the trailers parked against the bay opening.

While on his stomach, Abdullah concealed hands under his body. According to the witness statements, he did not comply with repeated demands to show his hands. The agents warned him that if he continued to refuse to comply, the K-9 would be released. His refusal to comply continued, resulting in the K-9 being deployed which began biting at Abdullah's upper body. Abdullah rolled over on his side, revealing what witnesses described as a handgun in his right

⁸ See Vol. 3 of the FBI Investigative Report, Tab 75 (Arrest Considerations).

⁹ See Attachment C (FBI use of deadly force policy used for Operational Briefing).

¹⁰ These diversionary devices were not what are commonly referred to as flash-bang grenades—which are typically thrown when employed. Rather, these were remotely triggered explosives concealed in locations by the Hostage Rescue Team.

¹¹ See Attachment D (Photos illustrating the arrest team's tactical vest with “FBI” markings).

hand. There is evidence that Abdullah fired three times at the dog,¹² which was positioned in the same direction of the agents. Four FBI agents returned fire, for a total of 20 rounds, each striking Abdullah. Paramedics who were part of the arrest team pronounced Abdullah dead at the scene.

It is important to note that as part of their independent investigation, the Dearborn Police Department made repeated efforts to interview Abdullah's associates who were arrested at the scene. Because each of these individuals have pending federal charges arising out of the federal investigation, the Dearborn Police agreed to strictly limit their questions to the observations made of the arrest operation to avoid complications to the substantive charges they are facing. All these other arrestees were either friends with Abdullah or fellow members of the Masjid Al-Haqq. In spite of the assurances and limitations on questioning provided by the Dearborn Police Department, each of these eyewitness/arrestees have refused to make any statement to police through their attorneys.

The Assistant Wayne County Medical Examiner opined that death was immediate. Additional external injuries, including those to the face of Abdullah, were noted with no opinion provided by the Medical Examiner in his report as to what caused them.

The FBI surveillance video, witness statements, and Dearborn Police in-car audio recordings established that all shots were fired in less than four seconds. There is no evidence of any firing of a weapon outside the four second time period.

The four FBI agent shooters have all provided statements.¹³

The statements of the shooters and the eyewitnesses, while differing in minor details, are all consistent in the basic facts and sequence of events:

1. The agents came out of their concealed positions into the warehouse;
2. The agents shouted repeated commands to the defendants to get down and show their hands;
3. Abdullah resisted arrest by trying to evade arrest;
4. Abdullah eventually laid on his stomach, but concealed his hands underneath him;

¹² As discussed later in more detail, the ballistics and necropsy reports indicate the K-9 was shot three times by the handgun recovered from Abdullah.

¹³ See Attachment E (Sworn written statements by all shooters). Note: the last names of the agents are redacted from this document to protect them and their families from possible retaliation. Redactions of this nature are specifically provided for by Michigan's Freedom of Information Act, MCL 15.243(1)(s).

5. Abdullah failed to comply with repeated commands to show his hands or else the dog would be deployed;
6. The dog was deployed and observed biting the upper body of Abdullah;
7. Abdullah was observed to roll over on his side and produce a handgun;
8. Abdullah fired at the dog and in the general direction of agents; and
9. The agents returned fire.

Witnesses place the shooters in close proximity to Abdullah, from five to twelve feet away at the time of the shooting. Eyewitnesses and shooters stated they feared for their lives and the lives of others when Abdullah began shooting. This account is also consistent with a statement from one of the four FBI shooters made to a fellow agent immediately following the shooting.¹⁴

C. Review of Post Arrest Evidence

The 9mm firearm recovered from Abdullah was analyzed by the FBI lab. There were no usable latent prints found on the handgun—a finding not uncommon with firearms. However, the bullet fragments removed from the K-9 were found to be consistent with bullets fired from the handgun and not consistent with those fired from FBI rifles. Further, the three spent handgun casings were positively identified as having been fired from the handgun recovered from Abdullah. A 17-round clip was in the handgun and had 14 live rounds remaining.

It is noteworthy that the ammunition loaded in the handgun was compatible, by brand and caliber, with ammunition later seized from Abdullah's residence. This physical evidence is consistent with the statements that Abdullah, not the agents, shot the dog.

Indeed, the FBI firearms report suggests the same conclusions:

S/A "Paul" fired three (3) shots from his .223 caliber entry weapon. Three (3) cartridge cases recovered from the scene were fired from S/A "Paul's" weapon and three (3) bullets recovered from the body of Abdullah were fired from the barrel of S/A "Paul's" .223 weapon, based on barrel comparison.

S/A "Christopher" fired two (2) shots from his .223 caliber entry weapon. Two (2) cartridge cases recovered from the scene were fired from S/A "Christopher's" weapon and two (2) bullets recovered from the body of Abdullah were fired from the barrel of S/A "Christopher's" .223 entry weapon, based on barrel comparison.

S/A "Tom" fired seven (7) shots from his .223 caliber entry weapon seven (7) cartridge cases recovered from the scene were fired from his weapon and six (6) bullets recovered from the body of Abdullah were fired from the barrel of the S/A

¹⁴ See Vol. 1 of the FBI Investigative Report, Tab 5, p 4 (Sworn statement of on-scene agent).

"Tom's" .223 entry weapon, based on barrel comparison. The seventh (7) bullet is believed to have fragmented, four (4) bullet fragments were recovered from the body of Abdullah.

S/A "Sean" fired eight (8) shots from his .223 caliber entry weapon. Eight (8) cartridge cases recovered from the scene were fired from S/A "Sean's" weapon and eight (8) bullets recovered from the body of Abdullah were fired from the barrel of S/A "Sean's" .223 entry weapon, based on barrel comparison.

The evidence that Abdullah fired first is uncontroverted. Every FBI agent that saw the shooting described Abdullah as producing a gun and firing, followed by FBI return fire. Those agents not in a position to see the shooting, but able to hear shots fired, all say they heard handgun fire first. All say the handgun fire sounds different than the rifle fire.

There are also three civilian witnesses, unconnected to law enforcement, that corroborate this. These witnesses happened to be working at the time of the shooting in an office that adjoins the warehouse. These three women made statements to the Dearborn Police Department and all say they heard several shots followed by a volley of different sounding shots. This is consistent with the statements from various agents that Abdullah fired first followed by agent rifle fire.

The audio recording from a Dearborn Police Department in-car camera system corroborates both civilian and law enforcement statements. Dearborn Police Department officers were staged at a restaurant parking lot a short distance from the warehouse. When the arrest began, they were notified. The officers, in four different marked scout cars, activated their overhead lights and rushed to the warehouse parking lot. Their role was to provide outer perimeter security which included being a visible police presence, keeping onlookers away, and possibly apprehending any suspects who might escape the warehouse. The first officer to arrive pulled up near the warehouse and his camera microphone picked up the sounds of the shooting. That recording captures what sounds like a gunshot followed by a volley of louder gunshots. Moreover, these recordings also corroborate the FBI video that all of the shots were fired within four seconds.¹⁵

It should be noted that while only an initial gunshot is clearly recorded by the scout car first on the scene, most of the witnesses in and around the warehouse describe hearing one or two gunshots before the volley. For instance, one of the women in the neighboring office states she heard three loud bangs (likely diversionary devices) followed by three single gunshots. Immediately after hearing the three single shots, the witness states she heard rapid fire gunshots.

Further, the video surveillance helps clarify the sequence of events. There were five hidden FBI cameras monitoring areas in and around the warehouse for the operation. They are labeled

¹⁵ All of the shots take place in four seconds as indicated by the clock on the video portion of the recording. The shots take place between 12:06:52 and 12:06:56. The second scout car that pulled up to the warehouse captured a recording consistent with the first. The third and fourth cars to pull up create recordings consistent with the time frame, but the sound of the shots fired is less distinct.

Outside, Loading Dock, Front Door, Long View, and Counter. The Dearborn Police Department investigative report has a summary of each recording. These are video recordings only—no audio. The undercover FBI agents were wearing a transmitting device that did record audio. However, the undercover agents left the building before the arrest.

The Loading Dock camera produces helpful footage. This shows Abdullah and his associates, the confidential informant, and undercover FBI employees unloading the televisions from one trailer and placing them on pallets. The confidential informant and undercover FBI employees leave one after the other, and for a few moments the defendants continue their unloading. There is no audio, but the viewer can determine the use of the diversionary devices by the startled reactions of the defendants. FBI agents then appear in the recording, in full SWAT gear with weapons pointed, and appear to order the defendants to get down.

Abdullah can be seen trying to escape through a service door that is actually locked, then changing course, and going in a semitrailer. Abdullah appears to be holding something slightly behind his back. Ultimately, he lies down, but the camera view of him is fully obstructed by a pallet stacked with stolen televisions. It was one of Abdullah's associates who moved this pallet and stacked the televisions in this location. In the moments that follow, the viewer can still see the lead agent motion for the K-9 and the K-9 being released by his handler. The K9 handler, who is closest to Abdullah at that moment, is then observed to flinch. The sequence of events suggest this is when Abdullah is firing his weapon, and the other agents are seen reacting.

The clock on the Loading Dock video shows the diversionary devices were employed at 12:04:25. By 12:05:21 the lead agent is motioning for the dog, and it is released 6 seconds later at 12:05:27. The K-9 handler flinches at 12:05:29 and several seconds later at approximately 12:05:33, the shooting is over.

This recording corroborates the statements of the agents as to the sequence of events and the behavior of Abdullah.

D. Facial Injuries

Attorney General staff independently interviewed the Medical Examiner who performed the autopsy in attempt to gain additional insight into the cause of Abdullah's facial injuries. These injuries described in the autopsy report include abrasions, lacerations, and a fracture of the front of the maxilla.¹⁶ The independent interview clarified that there is insufficient evidence to definitively state how these injuries were caused. Various theories have been suggested by observations in witness statements. These theories include injury from the action of the slide on the pistol Abdullah was firing (extremely close to his face), injury from being turned over by agents to facilitate handcuffing, and injury from the attack by the K9.

The Council on American-Islamic Relations (CAIR) retained a forensic pathologist, Dr. Cyril Wecht, who reviewed publicly available documents—including the autopsy report and autopsy

¹⁶ See Attachment F (Report of the Wayne County Medical Examiner, Case No. 09-10481).

photographs—and has opined that the facial injuries were caused by dog bites.¹⁷ The Wayne County Medical Examiner noted, during the Attorney General interview, that Abdullah’s face is lacking puncture wounds—which are typically found in persons who have been subjected to known dog bites.

A phone interview with the CAIR-retained pathologist revealed several points. First, that he was not privy to evidence outside of the autopsy report and photographs. This absence of relevant evidence led to some erroneous assumptions. For example, Dr. Wecht believed that Abdullah was standing when cornered by agents and thereafter fell—an assumption refuted by the available video evidence which was not available to Dr. Wecht.

Second, Dr. Wecht stated that his determination that Abdullah’s facial injuries were the result of dog bites was an opinion reached on a theory of exclusion of other reasonable causes. When asked how he arrived at his conclusion, Dr. Wecht rhetorically responded, “what else could it be?” In addition, it was Dr. Wecht’s opinion that the facial injuries were inconsistent with having been punched or kicked.

None of the eyewitness statements nor any of the video reviewed supplies any evidence that Abdullah’s facial injuries were sustained post-mortem.

III. Legal Analysis

The Non-Standard Jury Instruction on this issue sets forth, in plain language, the relevant Michigan law as follow:

A police officer in defense of him or herself or others, may use that force which is reasonable under the circumstances; unlike the private citizen, a police officer, by the necessity of his or her duties, is not required to retreat before a display of force by his adversary. Like the private citizen, the police officer must reasonably believe himself or herself to be in great danger and that his or her response was necessary to save [himself] or herself from that danger.

MI-NSJICR, § 13:10

The commentary indicates that this standard is drawn from *People v. Doss*, 406 Mich 90 (1979). In *Doss*, Detroit Police Officers responded to a burglary at a gas station. After one suspect was taken into custody, another was fatally shot after he turned toward the police officers with “an object in his hands.” Defendant police officer (Doss) was subsequently charged and tried for the death. In addressing the issues raised by the defendant, the Michigan Supreme Court examined the right of a police officer to use deadly force, under what circumstances that force may be used, and under what standard a trier of fact is to examine those circumstances.

The Court first rests on a previous Michigan Supreme Court case, *Delude v Raasakka*, 391 Mich 296, 303 (1974), to establish that “the police have the right to use that force reasonable under the

¹⁷ See Attachment G (Letter from Cyril H. Wecht, M.D., J.D., May 24, 2010).

circumstances to effect...an arrest. The police may also take what action is reasonable to protect themselves in the course of an arrest or an attempted arrest." The *Doss* Court reinforces the rule from *Delude* by explaining "what constitutes reasonable force" by using a lengthy excerpt from *American Jurisprudence* (5 AM Jur 2d, Arrest, § 81, p 768):

What amounts to reasonable force on the part of an officer making an arrest usually depends on the facts in the particular case, and hence the question is for the jury. The reasonableness of the force used must be judged in the light of the circumstances as they appeared to the officer at the time he acted, and the measure is generally considered to be that which an ordinarily prudent and intelligent person, with the knowledge and in the situation of the arresting officer, would have deemed necessary under the circumstances. The officer has discretion, within reasonable limits, to determine the amount of force which the circumstances require, and he is not guilty of wrong unless he arbitrarily abuses the power confided in him.

What amounts to reasonable force, therefore, is dependent on the situation in which force is used. The *Doss* Court again relies on *American Jurisprudence* (40 Am Jur 2d, Homicide § 137, pp 137, 427-428) to further flesh out when this reasonable use of force may be applied. Specifically, the Court says:

Likewise, police officers making a lawful arrest may use that force which is reasonable under the circumstances in self-defense, and unlike the private citizen a police officer, by the necessity of his duties, is not required to retreat before a display of force by his adversary. However, like the private citizen, the police officer who claims self-defense must have *reasonably* believed himself to have been in great danger and that his response was necessary to save himself therefrom. *Doss* at 102-103 (citations omitted).

Furthermore, in *People v Oster*, 67 Mich App 490 (1976), the Court of Appeals stated, "Not only must the defendant believe himself to be in great danger, but that the belief must also be reasonable under the circumstances." *Oster* at 264.

Applying Michigan law to the facts in this case establishes that each agents' use of deadly force while attempting to execute a valid federal arrest warrant was not unlawful.

As to S/A "Paul", who fired a total of three shots at Abdullah, the evidence supports the following:

- S/A "Paul" attended multiple briefings on the operation that included details about the arrestees. Specifically, that Abdullah had a history of making threats of violence against law enforcement and had a propensity to carry a gun or other weapons.
- During the arrest attempt, S/A "Paul" personally observed Abdullah with his hands hidden beneath him—ignoring the commands to show his hands.
- The observations of S/A "Paul" were that Abdullah appeared to be sizing up the agents and displaying a demeanor different than the other compliant subjects.
- S/A "Paul" also personally observed Abdullah roll over as the dog bit him, revealing a gun in Abdullah's right hand *pointed at the handler and other agents* causing him to fear for his safety.

As to S/A "Christopher," who fired a total of two shots at Abdullah, the evidence supports the following:

- S/A "Christopher" was briefed regarding the background of Abdullah and his propensity to carry a gun. The briefing included information regarding Abdullah's history of specific threats of violence to law enforcement agents.
- During the arrest operation, the agent personally observed Abdullah lying on his stomach with his hands concealed from view. S/A "Christopher" personally gave Abdullah commands to show his hands. These commands were ignored.
- The agent observed Abdullah produce a gun when the dog made contact with him. The gun was observed to be pointing in the direction of fellow agents. The sworn statement of this agent states, "I believed Abdullah intended to shoot the operators [agents]."

As to S/A "Tom", who fired a total of seven shots at Abdullah, the evidence supports the following:

- S/A "Tom" received a pre-arrest briefing which included information that Abdullah was always armed and willing to fight with law enforcement. The agent was told that the day prior to the arrest attempt, Abdullah had stated he would shoot if confronted by law enforcement.
- During the arrest attempt, S/A "Tom" personally observed four of the five subjects immediately comply with FBI commands. Abdullah was the only non-compliant subject.

- This agent also observed Abdullah's elbow rise, as if he was removing something from his robes. The agent then observed Abdullah drop to one knee and then lay with his hands hidden from view.
- S/A "Tom" personally observed Abdullah reveal a handgun when encountered by the dog. The agent then observed Abdullah point and fire his gun in the direction where he believed the FBI K9 Handler was located.
- In his sworn statement, the agent directly states he believed Abdullah was shooting at the K9 Handler.

As to S/A "Sean," who fired a total of eight shots at Abdullah, the evidence supports the following:

- S/A "Sean" was briefed on the propensity of Abdullah to carry a weapon as well as his numerous past threats to law enforcement.
- During the arrest attempt, S/A "Sean" observed Abdullah to be the only non-compliant subject. Abdullah was refusing to show his hands, despite repeated commands from S/A "Sean" to do so. Eventually, S/A "Sean" advised Abdullah, "show us your hands or we'll release the dog." Abdullah continued to be non-compliant—looking directly toward the agents
- When the K9 made contact with Abdullah, S/A "Sean" observed Abdullah produce a gun pointed in the direction of the agents and began firing.
- In the sworn statement of S/A "Sean," he states, "At this point I feared for my life and the lives of the other members of the arrest team."

Conclusion

The following conclusions are supported by the available evidence:

- I. Abdullah was armed;
2. All agents were made aware of the fact he would likely be armed and had previously vowed to resist, even if resistance involved the killing of a federal agent;
3. Abdullah refused to comply with arrest commands issued by clearly identified federal agents during the entire encounter while all other subjects did so;
4. Abdullah was advised the dog was going to be released and still refused to comply with commands;

5. Abdullah produced a weapon and fired in the direction of federal agents;

It would be reasonable for the agents to believe Abdullah was firing at them and would continue to do so unless stopped. This is particularly the case given their knowledge of Abdullah's prior attack on a police officer, his propensity to resist arrest and his stated desire to kill an FBI agent.

The fact that agents fired shots ranging in number from two to eight is of reduced significance in light of the evidence that all the shooting took place within the span of 4 seconds.

It is clear that the agents acted in self defense and/or in defense of others. The facts show Abdullah making a series of decisions that resulted in the use of deadly force against him—and ultimately his death. None of Abdullah's followers who complied with the police commands were injured in any way.

A

United States District Court

EASTERN

DISTRICT OF

MICHIGAN

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

v.

Case:2:09-mj-30436

Judge: Unassigned,

Filed: 10-27-2009 At 09:32 AM

Sealed Matter (ml)

D-1 LUQMAN AMEEN ABDULLAH

(a.k.a Christopher Thomas),

D-2 MOHAMMAD ABDUL BASSIR

(a.k.a. Franklin D. Roosevelt Williams),

✓ D-3 MUHAMMAD ABDUL SALAAM

(a.k.a. Muhammad Addul Salaam, a.k.a. Gregory Stone,
a.k.a. Gun Man, a.k.a. Norman Shields),

✓ D-4 ABDUL SABOOR (a.k.a. Dwayne Edward Davis),

D-5 MUJAHID CARSWELL (a.k.a. Mujahid Abdullah),

✓ D-6 ABDULLAH BEARD (a.k.a. Detric Lamont Driver),

D-7 MOHAMMAD PHILISTINE

(a.k.a. Mohammad Palestine, a.k.a. Mohammad Al-Sahli),

✓ D-8 YASSIR ALI KHAN,

✓ D-9 ADAM HUSSAIN IBRAHEEM,

✓ D-10 GARRY LAVERNE PORTER (a.k.a. Mujahid), and

✓ D-11 ALI ABDUL RAQIB

A TRUE COPY

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGANBY: *Michael E. Leone*

I, Gary Leone, the undersigned complainant, being duly sworn, state that the following is true correct to the best of my knowledge and belief. From on or about 2007 through the present, in We county, in the Eastern District of Michigan, defendant(s) did commit, or did aid and abet others in committing, violations of federal law, to wit:

18 U.S.C. § 371, conspiracy to violate 18 U.S.C. § 2315, by receiving and selling goods that the defendants believed were stolen from interstate shipments, as to Defendants 1, 2, 3, 4, 5, 6, 7, 8, 9, and 11;

18 U.S.C. § 371, conspiracy to violate 18 U.S.C. § 1341, mail fraud, in furtherance of a scheme to defraud and to obtain by mail the insurance proceeds from the arson of a dwelling, as to Defendants 1 and 2;

18 U.S.C. § 922(d), providing firearms or ammunition to a person known to be a convicted felon, as to Defendant 1 and 2;

18 U.S.C. § 922(g), possession of firearms or ammunition by a convicted felon, as to Defendants 1, 2 and 10;

18 U.S.C. § 931, possession of body armor by a person convicted of a violent felony, as to Defendant 1; and

18 U.S.C. § 511, tampering with motor vehicle identification numbers with the intent to further the theft of the vehicle, as to Defendant 1 and 2.

All in violation of Title 18 United States Code, Section(s) 371, 922(d), 922(g), 931, 511 and 2

I further state that I am a(n) Special Agent, FBI, and that this complaint is based on the following facts:

See Attached Affidavit Hereby Incorporated by Reference.

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant
Special Agent Gary Leone, FBI

Sworn to before me and subscribed in my presence,

) October 27, 2009
Date

at

Detroit, Michigan
City and State

Honorable Donald A. Scheer, U.S. Magistrate Judge
Name & Title of Judicial Officer

DONALD A. SCHEER
Signature of Judicial Officer

AFFIDAVIT

I, Gary Leone, being duly sworn, depose and state:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI) and I have been so employed for 6 years. I have been assigned to the Detroit Division for approximately 3 years, where I am assigned to a Counter-Terrorism Squad. I am familiar with and have participated in methods of investigation including, but not limited to, visual surveillance, general questioning of witnesses, use of search warrants, the authorized use of electronic surveillance (wire and oral), grand jury subpoenas, use of informants and use of cooperating witnesses. I have participated in the investigation which is the subject of this affidavit for the past three years.
2. I am part of a team of experienced agents and officers who have been investigating the criminal activities of **Luqman Ameen Abdullah and his followers** who are located in Detroit and in cells throughout the country. Abdullah is the Imam of the mosque known as the Masjid Al-Haqq. The Masjid Al-Haqq was located in a building at 4118 Joy Road in Detroit; however, in January 2009, the group was evicted by the City of Detroit for non-payment of property taxes. It has relocated, under the same name, to a building located at 4017/4019 Clairmount, Detroit.

INTRODUCTION

3. The statements contained in this affidavit are based upon my own investigation, as well as upon information provided by other Special Agents and Analysts of the FBI, conversations held with detectives and officers from the Detroit Police Department and other law enforcement organizations, information provided by confidential human sources and informants, review by myself and others of consensually monitored conversations, and upon my experience and training as a Special Agent of the FBI. Because of the limited purpose of this affidavit, I have included only the evidence I believe is necessary to establish probable cause that the individuals named herein have committed federal crimes, and not every detail known to me regarding the related investigation.
4. On that basis, I allege there is probable cause to believe **Luqman Ameen Abdullah** (a.k.a. Christopher Thomas), **Mohammad Abdul Bassir** (a.k.a. Franklin D. Roosevelt Williams), **Muhammad Abdul Salaam** (a.k.a. Muhammad Addul Salaam, a.k.a. Gregory Stone, a.k.a. Gun Man, a.k.a. Norman Shields), **Abdul Saboor** (a.k.a. Dwayne Edward Davis), **Mujahid Carswell** (a.k.a. Mujahid Abdullah), **Abdullah Beard** (a.k.a. Detric Lamont Driver), **Mohammad Philistine** (a.k.a. Mohammad Palestine, a.k.a. Mohammad Al-Sahli), **Yassir Ali Khan**, **Adam Hussain Ibraheem**, **Garry Laverne Porter** (a.k.a. Mujahid) and **Ali Abdul Raqib** have conspired together to commit federal crimes, in violation of 18 U.S.C. § 371, including:

- a. 18 U.S.C. § 2315 (sale or receipt of stolen goods transported in interstate commerce);
- b. 18 U.S.C. § 1341 (mail fraud to obtain insurance proceeds resulting from arson);

And have in fact violated the following federal criminal laws:

- c. 18 U.S.C. § 922(d) (providing firearms or ammunition to a person known to be a convicted felon);
- d. 18 U.S.C. § 922(g) (possession of firearms or ammunition by a convicted felon);
- e. 18 U.S.C. § 931 (possession of body armor by a person convicted of a violent felony); and
- f. 18 U.S.C. § 511 (altering or removing motor vehicle identification numbers).

5. The investigation has shown that **Luqman Ameen Abdullah**, Imam of the Masjid Al-Haqq, in Detroit, Michigan, is a **highly placed leader** of a nationwide radical fundamentalist Sunni group consisting primarily of African-Americans, some of whom converted to Islam while they were serving sentences in various prisons across the United States. Their primary mission is to establish a separate, sovereign Islamic state ("The Ummah") within the borders of the United States, governed by Shariah law. The Ummah is to be ruled over by Jamil Abdullah Al-Amin, formerly known as H. Rapp Brown, who is currently serving a life sentence in the Florence, Colorado Supermax for shooting two police officers in Georgia.

6. In 1981, Luqman Abdullah was convicted in Wayne County, Michigan of felonious assault and carrying a concealed weapon. Further, a check of law enforcement indices shows that in 1979, Abdullah was arrested and charged with resisting arrest and assault on a police officer by the Mobile Alabama Police Department; the disposition of those charges is unknown.

7. Luqman Abdullah calls his followers to an offensive *jihad*, rather than a defensive *jihad*. He regularly preaches anti-government and anti-law enforcement rhetoric. Abdullah and his followers have trained regularly in the use of firearms, and continue to train in martial arts and sword fighting. Abdullah encourages members of the Masjid Al-Haqq, many of whom are convicted felons, to carry a firearm, and information obtained during the course of this investigation indicates that many of Abdullah's followers are usually armed. Abdullah preaches that every Muslim should have a weapon, and should not be scared to use their weapon when needed. Members and former members of the Masjid Al-Haqq have stated they are willing to do anything Abdullah instructs and/or preaches, even including criminal conduct and acts of violence.

BACKGROUND

Historical Information from Confidential Source¹ S-1

8. S-1 is a confidential source who has admitted that he was a follower of Luqman Abdullah, a faithful member of The Ummah, and involved in their criminal activities in the past. A great deal of the information provided by S-1 has been independently corroborated by recent investigation; none of it has been refuted. S-1 has proven to be reliable and credible.
9. In a deposition given under oath in December 2007, S-1 testified that on many occasions, he has heard Luqman Abdullah advocate the spread of Islam through violent *jihād*, and violence against the United States government and against law enforcement. Although Abdullah knows that many of his followers are felons who converted to Islam while they were in prison, he encourages them to be armed at all times in preparation for a confrontation with law enforcement. S-1 saw and participated in extensive and regular firearms and martial arts training inside the Masjid Al-Haqq. S-1 saw Luqman Abdullah discipline children inside the mosque by beating them with sticks on their hands, knees, and legs, until they were covered with bruises, including a boy Abdullah beat so badly with sticks that he was unable to walk for several days.
10. S-1 testified that the members of the Masjid Al-Haqq are ready to use any means necessary to safeguard the mosque and its surrounding area from outside forces, whether they are members of law enforcement or local street gangs. If members need assistance or protection, they are instructed to call upon Luqman Abdullah and his followers rather than calling the police.
11. S-1 testified that on many occasions, he heard Luqman Abdullah preach that Islam should be spread through violent *jihād*, and advocate violence against the government and against law enforcement. Abdullah told his followers that if the police try to take his weapons or try to apprehend him, he will respond with violence, and they will have to shoot him before they can arrest him. When he was a loyal follower of Abdullah, S-1 would repeatedly listen to a tape recording of Abdullah giving a *Khutba* (sermon) in 2004 and yelling, "Police, so what? Police die too! Feds die too!" and "Do not carry a pistol if you're going to give it up to police. You give them a bullet" rather than surrendering your weapons. S-1 heard Abdullah encourage his followers to "pick up guns and *do* something" rather than try to achieve their goals through peaceful means. Abdullah often referred to law enforcement officers as "the *Kafir* dogs." I know from my experience and training that "*Kafir*" is a highly derogatory term used to describe a non-Muslim, and that "*Kuffar*" is the plural form of the word.
12. According to S-1, Abdullah has an armed group known as the "Sutra team" that is responsible for the security of the mosque and protecting its members both from law enforcement and from local street gangs. When the Masjid Al-Haqq was located at 4118 Joy Road, the members of the Sutra team carried firearms and trained in the martial arts of kickboxing, boxing, sword fighting, and other types of self-defense within the mosque itself.

¹All confidential sources and undercover employees are referred to in this affidavit as male, regardless of their actual gender.

13. On January 20, 2009, while the members of the Ummah were being evicted from 4118 Joy Road by the City of Detroit for non-payment of property taxes, the Detroit Police Department confiscated **two firearms and approximately forty knives and martial arts weapons from Luqman Abdullah's apartment inside the mosque.** The firearms have been turned over to the custody of the FBI and they are logged in to evidence. While the eviction was taking place, FBI executed a federal search warrant inside the facility. Agents found clear evidence corroborating S-1's statements that firearms training had taken place inside the mosque. There were empty shell casings on the basement floor, and large holes in the concrete wall of the "shooting range." According to S-1, all weapons and fight training was geared towards violent confrontation with law enforcement and / or with local street gangs.

Information from Confidential Source S-2

14. S-2 is a confidential source who has provided information about Luqman Abdullah and his associates. S-2 is proven to be reliable and credible; information provided by S-2 has been independently corroborated by other sources, and by consensual recordings he has made with the members of The Ummah at the direction of the FBI.
15. On December 12, 2007, S-2 told me he had been with Luqman Abdullah outside the mosque on that date, and he was able to surreptitiously record their conversation. S-2 told Abdullah he had asked to donate \$5,000 to pay to have someone "do something" during the 2006 Super Bowl in Detroit. Abdullah said he would not be involved in injuring innocent people for no reason: "If there's something to be done, . . . it's going to be legitimate." Abdullah acknowledged that he had been involved in weapons training even before he became Muslim, and stated:

I mean, **things are coming.** . . . Well, see, the whole point is that you have to understand. *Kafir* is, they watch me, like, very closely. Very, very closely, you know? I mean, ridiculously closely. And, so, you know, when [*unintelligible*] and I do things, but it's all based on what's got to be done at the time. But when, uh, plots or something . . . I got some, I got some violence [*in me*] because of what they did to Imam Jamil [Al-Amin] . . .

* * * *

[T]he overall picture was, uh, to advance Islam. So, uh, always remember, uh, **revenge is Islamic.** But, you have to make sure it's not personal. It's very difficult. . . . But you have to start. . . . **You got to get mad about it.**

16. In reference to video clips appearing on Al Jazeera, Abdullah told S-2:

They send me all of this stuff. . . . CAIR and everybody send me all of this stuff. I get sick. I can't watch. . . I can't do that. The, now, what would happen if that, if I'm just dwelling on that? I can't talk right, I can't give people focus. . . .

And see, we're, like for example, I got some stuff, man, **I got some soldiers with me,** so it's not like I, I don't have, you know, nothing. **Brothers that I know would, you**

know, if I say "Let's go, we going to go and do something," they would do it. You know. I mean, you got people who talk like they would do something, but . . . I wouldn't trust they would [do] nothing.

17. These and other recorded statements by Luqman Abdullah confirm reporting by S-1 and S-2 that **Abdullah and his followers view themselves as soldiers at war against the United States government, and against non-Muslims.**

Recent Information from Confidential Source S-3

18. On October 10, 2008, S-3, an FBI confidential source who has proven to be reliable and credible in the past, was able to record additional statements by Luqman Abdullah at the mosque. During the *Jum'uah* prayer, Abdullah stated that Muslims need to cut the ties with Christians, Jews and *Kuffars*, and said there is no such thing as a good or bad *Kafir* – the only thing that matters is whether or not someone is Muslim. In reference to Christians, Jews, and the *Kuffar*, Abdullah stated:

. . . We have to cut the ties to them, and understand, you are supposed to be the leaders. And until you act black and believe in that you are the leaders of mankind, you are going to be astray. If you can't please the Christians and the Jews. You cannot please them until you follow their religion. . .

Obama is a *Kafir*. McCain, all the rest of them *Kuffars*, are *Kuffars*. You can't make them a good *Kafir*, bad *Kafir* . . .

The premise of Allah, and Islam said, "the worst of [*unintelligible*], the worst Muslim is better than the best *Kafir*."

Abdullah went on to preach that Muslims need to stop fighting each other and start fighting the *Kuffar*. Abdullah stated:

Contrary to our own [*unintelligible*], we should be trying to figure out how to fight the *Kuffar*. You see, we need to figure out how to be a bullet.

19. On March 21, 2008, S-3 relayed a conversation about the illegal possession of firearms between himself, Luqman Abdullah and Abdul Bassir that occurred while they were driving to Maryland to attend a Muslim conference. Abdullah told S-3 that he is not willing to go back to jail. He stated that if police attempt to conduct a traffic stop on him, he will not stop. Abdullah told S-3 that he had once been stopped by police, who approached his car with their guns drawn. Abdullah stated that only because he was not able to get to his firearm to shoot the police officers, he fled the scene in his car, and evaded arrest in that way.

20. On June 27, 2008, S-3 told me he had been able to surreptitiously record his conversation with Luqman Abdullah standing outside the mosque that day. S-3 reported that when he arrived at the mosque, he realized Abdullah was wearing a bullet proof vest under his customary

robes. Abdullah explained he was wearing it because there had been an altercation earlier with other individuals in their Detroit neighborhood who were not members of the Masjid Al-Haqq. Abdullah smiled and told S-3 that "one of the brothers" had taken care of it. S-3 told investigators that he believed this meant that a member of the group had resolved the situation through force and violence, and possibly by shooting someone.

a. S-3 observed an individual he knows as "Abdul Rahim" standing with Luqman Abdullah, watching for the individuals who had been involved in the altercation. S-3 saw Rahim pull a handgun out of his shirt and aim it at an approaching van. As the van neared, Rahim realized the people inside were not the individuals they had been involved with earlier, and Rahim put the gun back inside his shirt.

b. Luqman Abdullah and S-3 talked about government regulations for citizens of the United States, such as driver's licenses and passports, and the following exchange occurred:

LA: . . . how are we going [to have] Islam happen here and the Koresh, if you will, or Washington is trying to stop everything we do? . . . Well, yeah, but it's not just the fear factor, it's the whole point of, of knowledge. **Of understanding that "they" are my enemy, and that I should be trying to plot as to how to make moves to get some things accomplished.**

S-3: Like them plotting on you and shutting you down, so you be plotting on them?

LA: Yeah, that's right! And to keep going, first of all, you know, to stay alive and survive first.

S-3 told investigators that he believes that Abdullah's reference to "*the Koresh*" is to a period in history when Muslims were expelled from land they considered their own. They returned later, stronger and more prepared, and reclaimed the land by force and violence from a non-Muslim government. Investigators believe that Abdullah plans to follow that example, and lead others to use forceful means against United States law enforcement.

21. On July 21, 2008, S-3 spoke to Abdul Bassir. Bassir told S-3 that the United States government wants to take people down, and that if the government messes with Luqman Abdullah, "people will start taking heads." Bassir stated they are almost to that point already, because of the situation with Jamil Al-Amin. Investigators believe Bassir's statements indicate that the members of the Masjid Al-Haqq are considering taking illegal and violent action against the government because of the incarceration of Jamil Al-Amin.

22. On August 5, 2008, S-3 told me he had been at the mosque that day, and had spoken with Luqman Abdullah. S-3 was able to surreptitiously recorded their conversation. Investigators reviewed and listened to the recording, and discussed the matter with S-3, and determined that Abdullah discussed his anti-government ideologies and the idea of a modern day revolution. Abdullah stated, "It might end up being where each State breaks off." Abdullah then discussed

having small Islamic States separate from the nation of the United States, "like the Amish and the Mormons in Utah." Abdullah stated,

. . . If you get enough property, like, "Hey, leave them alone." Just like China do with the Muslims over there. . . . You get enough [*unintelligible*] where you demand your rights.

Later in the conversation, Abdullah stated,

We can't just be saying, "O.K., everything is run by the U.S. government," we got to take out the U.S. government. The U.S. government is nothing but *Kuffars*. . . . Even if we was to say, "Let's get us," if we came up with a program like, "Let's get us a candidate and, you know, vote for him, vote him in and stuff like that, he's a Muslim and stuff." . . . I mean he's still got to deal with the *Kuffars* [*unintelligible*]. So Allah's not going to be with that.

Abdullah then began to talk about revolution and paraphrased another Muslim by stating,

It's impossible to for you to take and change this thing around, trying to go through it the same way. You know, like, "OK, let me become a part of it then. I'm going to change it." You cannot do that. It don't work like that. And you cannot have a non-violent revolution.

Abdullah then stated that Muslims need to stand up, and things will be all right only when the people who are ruling believe "There is no god but Allah." Investigators believe Luqman Abdullah's statements confirm the information reported by S-1, that the primary mission of the target subjects is to establish a separate, sovereign Islamic state (an Ummah) within the borders of the United States, to be ruled over by Jamil Al-Amin. It further confirms that Abdullah believes this can only be done through force and violence and not by political action: "you cannot have a non-violent revolution."

23. Also on August 5, 2008, S-3 informed me that he had made a surreptitious recording of his conversation with Luqman Abdullah in Abdullah's apartment on the second floor of the mosque. **Abdullah gave S-3 a bullet proof vest to keep**, and showed him a Scimitar sword with a blade approximately three to three and a half feet in length. S-3 saw a knife on the desk with a blade approximately six to eight inches long. Abdullah also showed S-3 a hatchet. Abdullah pointed to a plastic case on the floor and said "That's a shotgun." S-3 commented on the hatchet and asked Abdullah, "Do you throw hatchets, or no?" Abdullah replied, "Yeah, I can use a hatchet." As set out above, Luqman Abdullah has been convicted of a violent felony, and therefore it is a violation of federal law for him to have possession of either a bullet-proof vest or a shotgun.

24. On October 10, 2008, S-3 was able to speak with Luqman Abdullah in the main assembly room on the first floor of the mosque and to consensually recorded the conversation.

Abdullah discussed the spread of Islam with S-3, telling him it is not all right to simply get along with *Kuffars*. Abdullah stated:

We are going to have to fight. We going to have to fight against the *Kafir*.

. . . I mean if . . . Muslims run away from that. If the only thing they trying to do is just to get along with the *Kafir*. That's not for the *Kafir* for you to get along with. It's for you to tell them that they're *Kafir*. "Hey, you making a big mistake man. You need to worship Allah."

. . . Only thing they trying, Muslims trying to do, is like, "Just leave me alone." Man, forget about that. . . . **They smashing the Muslims all over the world and then we sit here like everything is all right. "Just leave us alone." I mean, no.** Everything ain't all right. Matter of fact, you better get up from over there and leave them people alone, man. You wrong. It's no threat from the Muslims here. The Muslims here are saying, you know, "Hey, just let us live here and [*unintelligible*]," that's the only thing they worried about. . . . That's not good man, I don't care.

25. On November 30, 2008, Luqman Abdullah and S-3 discussed a document relating to the capture of Dr. Aafia Siddiqui in Afghanistan who was wanted by the FBI for questioning relating to her loitering around the residence of Ghazni's governor, in possession of instructions on making bombs and notes about installations in the United States. The discussion revolved around the allegations of Siddiqui's defense attorney and her family, who claimed that Siddiqui had been held captive and tortured by the United States Government. Abdullah said:

I'll tell you what, though. Brothers be talking about, they want to do *jihad* [*unintelligible*]. We can make some plans to do some [*sound of three audible hand claps*] . . . It ain't, it ain't got to be [*unintelligible*] like that. [*Unintelligible*] . . . just like they did her. I mean I ain't talking about just grabbing somebody off the street. You understand what I'm saying? . . . **One of them super Agents. Trail them, follow them, know where they house is at, and everything else. Deal with them, deal with them the way, the way they supposed to be dealt with, man.**

S-3 then asked Luqman Abdullah how he would recognize the "super Agents" and know whom to follow. Abdullah responded by stating:

. . . You can't, you can't deal with stuff [*unintelligible*] unless you dealing with it in a sense of organized. . . . **You have to wait, watch, check out, investigate. Same thing they do to you. It's not that complicated man. . . . You got hundreds of Agents right down there off of, off of Michigan [Avenue].**

S-3 then clarified that Abdullah was talking about the MacNamara Building on Michigan Avenue in Detroit, which houses the FBI and the IRS. Abdullah responded:

. . . No, not the IRS, not them. You ain't got to deal with them. I mean they [unintelligible], they worth the effort but, you know, you got dudes that, actual Agents that just terrorizing the people. . . . Field Agents, I mean, but the, no, they. . . . It's a whole organized effort. Look, they got cats that's on the computer. [Unintelligible.] I mean it's not just . . . It's a organized effort. . . . I mean everything they do, down. Organized effort to betray you. But not just you, other people too. It's not just, just Muslims. . . . Why do you think McVeigh and them [unintelligible]?

Abdullah then went on to state his theories about the bombing of the Alfred P. Murrah Federal Building in Oklahoma City and the first World Trade Center bombing. Abdullah relayed his belief that the FBI bombed the Murrah Building and the World Trade Center as part of a plot to blame Muslims for violence. Abdullah stated:

. . . It's no question about, he was involved in getting that stuff done. So now, you know about what happened when, when the, when the stuff jumped off . . . in Oklahoma City, when the bomb went off and stuff. Hours after that. Hours. They had already put out that it was Arabs, Muslims. Because they already had a plan about that stuff. How they was going to do it. That's the FBI. . . . I mean, see, see, McVeigh and them. Even though they did what they did, they probably was irked on, and supported and everything, by the FBI. . . . The first World Trade Center Bombing was the FBI.

Agents interpret Abdullah's comments as reiterating his belief that law enforcement should be eliminated, and that the only way to "deal with them" is through force and violence. As related above, Abdullah believes there is no way to have a non-violent revolution; jihad is synonymous with violence. Abdullah's recorded statements to S-3 confirm S-1's testimony, that **Abdullah is advocating and encouraging his followers to commit violent acts against the United States.**

26. On February 26, 2008, S-3 went to the Masjid Al Haqq and made a consensual recording of conversations he had with Luqman Abdullah, Muhammad Abdul Salaam, Abdul Saboor and others. Luqman Abdullah spoke to them about the importance of trust; Abdullah stated that it is the people closest to a person who will cause them the most emotional harm when trust is broken: it is not what the person does to betray him, but it is who the betrayal came from that is bothersome. Abdullah also stated that killing a person is one way to handle a person who breaks his trust. Abdullah then went into his office and called Abdul Saboor in to meet with him. When they came out, Abdullah removed a knife from his clothing and handed it to Saboor. The knife had a blade of approximately five inches in length and the total length with the handle was approximately nine inches. Saboor began violently swinging the knife in a demonstration of martial arts techniques. When he finished, Saboor returned the knife to Abdullah and Abdullah put the knife back inside his clothing. Abdullah claimed he had the capability of being able to penetrate a bullet proof vest with a knife. Abdullah's clothing had a hole in the side to allow access to the clothing underneath, and S-3 was able to see a portion of a metallic object that had the outline of a handgun and seemed to be weighing down Abdullah's clothing.

27. Following Saboor's demonstration of martial arts techniques on February 26, 2008, Luqman Abdullah sat on the floor close to S-3, and in a low voice asked S-3 if he would be able

to "get numbers" for a 2007 Dodge Ram with only 20,000 miles on it. S-3 understood that **Abdullah was asking S-3 to help him obtain a new VIN for the truck** that "one of the brothers" had given to him. Abdullah also admitted he once had another truck which he implied was stolen. He said that one day the police came and towed it away, but they never confronted him about it.

28. On March 21, 2008, S-3, **Luqman Abdullah, Mohammad Abdul Bassir, and Mujahid Carswell** (a.k.a. Mujahid Abdullah, who is Luqman Abdullah's biological son) drove to Herndon, Virginia. Bassir and Carswell were there to provide security for Luqman Abdullah. During the drive, Abdullah stated that the FBI is the enemy of Islam. Abdullah stated something to the effect, **"If they are coming to get me I'll just strap a bomb on and blow up everybody."** Abdullah gave S-3 the impression that he has access to an explosive device. Abdullah stated that he is not afraid to die for the cause. During a discussion of illegally possessing firearms, Abdullah stated that he is not going back to jail. He stated that if the police attempt to conduct a traffic stop on him, he will not stop. Abdullah said he had once been stopped by the police while he was driving a cab. The officers approached Abdullah with their guns drawn, which was the only reason Abdullah was unable to get to his gun in time to shoot them. Knowing that he was at a tactical disadvantage, Abdullah fled in the car and successfully got away. Abdul Bassir spoke of a time in which he was stopped by the police and had a stolen car on the back of his tow truck. Bassir considered himself fortunate, as he did not get in any type of trouble.

29. On the evening of April 1, 2008, S-3 met Luqman Abdullah at the mosque, and they went for a ride in S-3's car. Abdullah again told S-3 about the stolen Dodge truck he needed a VIN for. Abdullah told S-3 to refer to the truck as the "White Lady" so they would not have to actually speak about a stolen truck. Abdullah called someone on his cell phone to see if the individual still had the truck, and to verify its make and model, but there was no answer. Abdullah told S-3 he would attempt to call the individual at a later time, and thanked S-3 for finding a similar truck that he could use to switch the VINs with those on the stolen truck. Abdullah stated that he had somebody that would be able to switch all the VINs on the vehicle for him. **Abdullah again spoke of law enforcement being the devil and evil. Abdullah informed S-3 that a member of his community in Detroit had shot police officers.**

30. Two days later, on April 3, 2008, Abdullah told S-3 the individual wanted \$2,500 for the stolen truck. Abdullah and S-3 had further discussions about Abdullah's efforts to obtain the "White Lady" on April 9, and on April 24, Abdullah asked S-3 if he could store the "White Lady" for him.

31. On May 29, 2008, Abdullah told S-3 that the "White Lady" was in Flint, Michigan; they discussed the logistics of switching VINs. **Abdullah also told S-3 he wanted to get a passport, and said he wants to leave the United States permanently.** When S-3 asked how Abdullah would be able to maintain his leadership role in the Ummah, **Abdullah stated that he would still be able to control things from outside of the country, and that "America must fall."**

32. On the evening of June 12, 2008, Luqman Abdullah went to S-3's place of business, where they were to switch the VIN on a stolen white Dodge Ram that Abdullah had with a VIN from a salvaged truck that S-3 acquired at the request of Abdullah for this purpose. Abdullah arrived in his Ford Ranger pickup truck, said the White Lady was still in Flint, and asked S-3 to go with him to get the vehicle.
33. During the drive to Flint, Abdullah attempted to justify getting the stolen vehicle and illegally switching the VINs. Abdullah claimed if the acts were about Allah, and were in the cause of God, they constituted a form of *jihad* because the *kuffar* would harm them if they were to get caught. Abdullah related a story he claimed was in the Koran in which people in Mecca and Medina would rob and steal from the caravans, and then donate a portion of their ill-gotten gains to benefit Allah. **Abdullah concluded that story in the Koran justifies stealing, robbing, and other illegal acts, as long as they profit Islam.** S-3 reported that Abdul Saboor had previously told the same story to justify other criminal acts.
34. S-3 and Abdullah traveled in Abdullah's Ford Ranger to Flint where they went to the Flint Muslim House mosque. Abdullah called the Imam of that mosque, because the "White Lady" was stored near his house. Abdullah drove to the house and met the Imam of the Flint mosque, who also referred to the stolen truck as the "White Lady." S-3 and Abdullah followed the Imam to a nearby house, and the Imam opened the garage door exposing the stolen white Dodge Ram pickup parked inside. The Imam and Abdullah worked together to jump start the truck, and the Imam removed a Georgia License plate from the stolen truck and kept it.
35. S-3 drove the "White Lady" back to his place of business and Abdullah followed. They spent several hours trying to switch the VINs between the salvaged truck and the stolen truck, but were unsuccessful. Both Mohammad Abdul Bassir and Abdullah have told S-3 that the Flint Muslim House Imam knows how to properly switch the VINs on the trucks, and that he is their connection for stolen vehicles. Bassir told S-3 they know an individual who works at Chrysler who is able to get them the proper rivets that are used to secure the VIN plate on the dashboard of the truck. Bassir also said they know a man who will take vehicles with their VINs removed to Canada and crush them.
36. S-3 and Abdullah discussed how to register the stolen white Dodge Ram truck under the VIN of the salvaged red Dodge Ram truck. Abdullah stated he will register the "White Lady" bearing the VIN from the salvaged red truck in Alabama; because the red truck was salvaged in the State of Michigan, he could not register its VIN on a different vehicle without arousing suspicion. Abdullah requested the title be registered and sent to an address in Alabama that he used for his own driver's license.
37. On June 27, 2008, S-3 attempted to make a consensual recording with Luqman Abdullah at the Masjid Al Haqq. Also present were Mujahid Carswell and several other men known to S-3. Abdullah went to his truck, retrieved a paper and gave it to S-3 and spoke about pledging *bayaat*. The heading of the paper is as follows:

This is a writing of Abdul Kareen, the Imam of Dar-ul-Islam Movement (based on the Medinah Treaty of the Prophet Muhammed Ibn Abdullah, -pbah), with the Believers and Muslim of _____ represented by Imam _____ and those who follow them and are attached to them and who Jihad along with them.

Following the heading are the twenty-four rules of the movement. Abdullah told S-3 to read the paper and tell him what he thinks of it. Abdullah informed S-3 that there may be a time when he will call on him. **Abdullah also said that the government plots and plans against them so they need to plot and plan in return and "do whatever it takes."**

38. During their conversation on June 27, 2008, Abdullah and S-3 spoke again about the stolen truck and switching the VINs. Abdullah said that he needed to be careful with the truck because law enforcement watches him and will try to find out how and where he got the truck. Abdullah claimed law enforcement knows the Ford Ranger he currently drives is also stolen however, it is too minor an offense so they will not arrest him for it. **Abdullah said he believes that Allah protects him and stated that law enforcement doesn't want to mess around with him because they'll "take it to the streets" if necessary.** S-3 asked if that would be like the standoff at Waco. Abdullah replied that it would not be like Waco, but rather if they mess with him, **it will be a straight up war.**

39. Also on June 27, 2008, S-3 told Abdullah he had access to **stolen merchandise** they could sell for profit. **Abdullah said the mosque would be a good place to sell it.** Abdullah told S-3 that he still wishes to get a passport. Abdullah said that most of his money comes from overseas. Abdullah looked around to ensure nobody was listening and then said **most of the money comes from Canada.**

40. On July 24, 2008, Luqman Abdullah warned S-3 that they need to be careful in their actions because of the FBI. Abdullah stated that **Abdul Saboor** had printed out several things from the internet including Al-Qaeda training camp manuals. Abdullah said he told Saboor to throw them away and cautioned him not to look at things on the internet. Abdullah told S-3 that he needs to be with the movement. **Abdullah informed S-3 that something will happen with the Muslims "real soon"** and that they should not trust anybody. Abdullah said he has a bullet proof vest he will give to S-3.

41. On August 5, 2008, while Luqman Abdullah and S-3 were in Abdullah's apartment in the Masjid Al Haqq, **Abdullah explained to S-3 that just as states and cities are separate entities under the U.S. Government, the members of the Masjid Al Haqq are also a separate entity independent of the government under their own set of laws.** Abdullah stated they follow Sharia (Islamic) Law.

42. On August 7, 2008, S-3 and Luqman Abdullah drove to Chicago. On the drive, Abdullah told S-3 that **he has provided extensive martial arts and weapons training to his sons Umar Abdullah and Mujahid Carswell, as well as to Abdul Saboor and another man from Inkster, Michigan.** Abdullah and S-3 talked about the 12 gauge shotgun Abdullah had previously showed to S-3. Abdullah stated that one of the attendees of the mosque pawned the gun to him.

Abdullah told S-3 he has another 12 gauge shotgun that he may be willing to sell to S-3. Abdullah also spoke of moving outside of the United States to set up refuge and run the organization, because the United States had made it too difficult for him to do things here.

43. On October 15, 2008, Luqman Abdullah and S-3 joked about the night they were attempting to illegally alter the VINs on the Dodge Ram trucks. Abdullah laughed about the possibility of the FBI taking pictures of the two of them while switching the VINs. Abdullah said that the FBI would not do anything about it as it is not "big enough", and the FBI will not arrest him until they want to put him away for life. Abdullah stated something to the effect, "that's if I let them, I don't have a problem with them saying hello to my little friend." Abdullah also stated **he would deal with the FBI on his terms.**

44. On January 8, 2009, S-3 told Abdullah that he knows a man in Chicago who is willing to give them several stolen fur coats to fence and split the proceeds. Abdullah cautioned S-3 about talking openly about it, saying "they'll play that back for you." Abdullah warned S-3 to be careful because he associated with him and "the Feds" are trying to get him. **S-3 saw Abdullah in possession of a Glock 9mm handgun**, serial number EBL271. Abdullah said he has a .38 special that is registered in Michigan; he doesn't carry it. Instead, he carries one that "might have a couple bodies" on it. Abdullah told S-3 that **everyone gets their guns from breaking into houses.** Abdullah has a lot of knives including one that will penetrate a bullet proof vest. The knife is a large Tanto knife, which Abdullah refers to as a bone crusher. Abdullah showed S-3 the knife, which was in his bag. The knife was about fifteen inches in total length, with a blade of about nine inches. The blade is very thick at the top, and tapers to an extremely fine point. Abdullah said it is made to go through a vest.

45. On January 10, 2009, S-3, Luqman Abdullah, and Abdullah's daughter were traveling in a vehicle near Atlanta, Georgia. S-3, who was driving, saw they were being followed by a police car and told Abdullah they were about to be pulled over. Abdullah started acting very agitated and began feeling where all of his weapons were. Abdullah's daughter looked very frightened. As they were being stopped by the police officer, Abdullah told S-3 exactly where and how to pull over. Abdullah glared at the police officer while he was questioning S-3. When the officer returned to his vehicle, Abdullah started calling the officer a *Kaffir* Dog, a pig, and other names. Abdullah stated something to the effect, **"These pigs don't even know, their department will have a bad day when they deal with me."** Abdullah also told S-3, they've been trying to get him since the 1980's. Abdullah told S-3 about a time when he was arrested and was brought to the 10th precinct in Detroit for murder. When he was brought to the 10th precinct, the other officers were cheering and excited they got him. They put his photo in a line-up, however he was not picked out, therefore, he was released and not charged with the murder.

46. Abdullah said the cops have been trying to get him for a long time because a lot of people were being killed near the mosque. Abdullah also talked about a Detroit police officer, who once arrested one of the members of the mosque who had a gun, but let him go after learning he was from the Masjid Al Haqq.

47. After the incident on January 10, S-3 attempted to get Abdullah to take his gun off his person and hide it inside of the vehicle. S-3 told Abdullah that he would take responsibility for the weapon if they were stopped, and that he did not want to see Abdullah get in trouble for illegally possessing the gun. Abdullah refused to take off the gun, saying he carries a gun for a reason, and that's not the way it's going to go down. Later at the hotel, Abdullah told S-3 he has shot a lot of people. Abdullah said he does not know how many people, but it is "a lot." Abdullah said "brothers" (from the Masjid Al Haqq) talk about needing equipment. Abdullah said he tells them they do not need to purchase it because the enemy has it already for them. **Abdullah also tells them if they want a bullet proof vest, simply shoot a cop in the head, and take their vest.** Abdullah continued to refer to law enforcement officers as *kaffir* dogs and in other derogatory terms. Abdullah started to jump around the room making motions with his hands as if he were shooting people saying "shoot cops in the head," and "pop, pop." Abdullah said he has a lot of experience shooting cops. Abdullah also said in the 1980's a lot of people were found dead around the masjid, and the cops were scared of the people at the mosque. Abdullah told S-3 that the people at the mosque need to understand how much damage individuals can do. Abdullah said "we're not any fake terrorists, we're the real terrorists." S-3 said he smoked a lot of cigarettes after they got pulled over to calm his nerves. Abdullah told S-3 he must cut back on smoking to calm his nerves, because he might have to sit in a corner for a long while in order to wait to kill someone, and would not be able to smoke.

48. On February 6, 2009, Luqman Abdullah gave an anti-government *Khutbah* during the *Jum'uah* service. Abdullah talked about how historically Muslims would oppose the government. Abdullah stated that there are three things that make a good Muslim: *ikhlas* (nature), prayer, and obedience. Abdullah talked about the **current need to oppose the American Government and stated that the FBI is the enemy.** Abdullah stated that two parties exist in the world, the party of God and the party of the devil. Abdullah said that only Muslims are the party of God. Abdullah also made derogatory statements about Christians and Jews. **Abdullah told his followers that they need to be with the Taliban, Hizballah, and with Sheikh Bin Laden.** Abdullah said the American soldiers who commit suicide are cowards, and they commit suicide because they are being punished by Allah. Abdullah contrasted this with the actions of Muslim suicide bombers: what they are doing is not suicide, but rather an act of blowing the enemy up. Abdullah told his followers **it is their duty to oppose the FBI and the government and it does not matter if they die.** He also told the group that **they need to plan to do something.**

49. On February 12, 2009, S-3 and Luqman Abdullah drove to Chicago, Illinois together in order to meet an individual to get fur coats to fence (as part of the Undercover Operation, explained below). On the drive there, Luqman Abdullah said, "I shot a lot of niggers." He told S-3 details of the date and place a particular shooting occurred. Abdullah said no one has ever questioned him regarding the incident. Abdullah said that when he was a taxi driver, he picked up two girls. When he dropped the girls off, the girls ran from the taxi cab. A man approached Abdullah's taxi cab and paid him \$20 for driving the girls, while another unknown male came from the other side of the cab and put a gun to Abdullah's head. The man shot Abdullah in the head and began feeling Abdullah's pockets. Luqman Abdullah then retrieved his pistol and shot both men. Abdullah explained to S-3 that he killed both individuals. Abdullah called

Mohammad Abdul Salaam who offered to find the guys that shot Abdullah, but Abdullah told him not to do that. Abdullah said he had gotten rid of the gun because he didn't want the police to find it. Luqman Abdullah refused to go to the hospital because he knew he had shot both men, but the next day at Jum'uah prayer, he fell over and passed out during his sermon, and was rushed to the hospital. Abdullah did not explain anything further regarding this incident.

50. S-3 and Abdullah then drove from Chicago to Flint, Michigan with the fur coats. S-3 paid for a room at the Holiday Inn. Luqman Abdullah and S-3 were watching a police show on TV when Abdullah kept saying "blow 'em up, man, blow 'em up." He then said, "what's this here, a bomb in there? Obviously it is." S-3 told Abdullah that when he had been in prison, an inmate he met gave him the formula for trinitrotoluene (TNT). He explained to Abdullah that the inmate went over it with him everyday for probably one month. He told Abdullah that TNT in a glass looks like water, and no one could tell what it is by looking at it. **Luqman Abdullah asked if S-3 can still make TNT now.** S-3 explained to Abdullah that he hasn't thought about it in a long time, and would have to sit down and write it out on paper first. Abdullah told S-3 to not talk about it aloud anymore. **Abdullah told S-3 that if he could remember how to make TNT, that would be nice, and then he could teach Abdullah how to make the substance.** Abdullah told S-3 to check it out and see if he knows how to make it. He also instructed him to not try it at his own house and risk blowing up his children. Abdullah said try and put the formula down on paper, but he also has to test it to see if it actually works. **Abdullah then said they have to try to make it and told S-3 to figure out the formula.**

51. On March 15, 2009, Luqman Abdullah asked S-3 if he knew where he could get a military style pistol belt. The two made plans to go to an Army supply store so Abdullah could get a gun belt.

52. On March 18, 2009, Luqman Abdullah and S-3 went to Harry's Army Surplus, 2050 North Telegraph Road, Dearborn, Michigan. While they were in the store, **Abdullah told S-3 that the bailiffs took his weapons from the second floor of the Masjid Al Haqq** the day they were evicted. Abdullah looked at pistol holsters, military belts, gun straps, knives and face masks that cover the entire face. Abdullah asked the sales clerk if she had a strap to fit a specific "Air Soft" AR-15 type rifle, but they did not. **Luqman Abdullah told S-3 that he needed a military belt because he has a military gun, an M-15, which is similar to the "Air Soft" rifle in the store.** Abdullah purchased a green padded rifle strap. He did not purchase a face mask because the shop only had winter ones.

53. Luqman Abdullah gave S-3 a Compact Disc labeled "Convert to Islam" which S-3 described as pro-Taliban propaganda. Abdullah said he had received it from Abdul Saboor.

54. That same day, March 18, 2009, S-3 gave Luqman Abdullah a piece of paper with what he told Abdullah was a **recipe for Trinitrotoluene (TNT)**, because Luqman Abdullah had asked S-3 to write it down for him. **Abdullah told S-3 that he would not use it "until it was time."** Later that day, S-3 spoke to Abdullah on the telephone. S-3 told Abdullah that he needed to double check something with the formula and instructions for making TNT that he had given Abdullah earlier that day. Abdullah stated that he still had the paper with him and agreed to meet

S-3 at Ali Raqib's store, which they were using as the mosque after the eviction from 4118 Joy Road. S-3 asked Abdullah if he wanted him to try to make the TNT. Abdullah told S-3 to make it and said he would like to be there. S-3 told Abdullah he would make a video of the test, however, Abdullah instructed him not to. Abdullah cautioned S-3 to be careful.

55. Referring to the face mask that Abdullah was looking for earlier in the day at Harry's Army Surplus Store, S-3 asked Abdullah if he needed the face mask that night. Abdullah said that although he did not need it for that night, he would like to obtain one soon. Abdullah told S-3 that he did not have anything planned for that night in particular, but said **"you never know when you will need it."**
56. On April 1, 2009, Luqman Abdullah gave S-3 a video titled "The Terrorist Next Door," which is a true story about the terrorist who tried to smuggle explosives across the border in Washington State during Y2K in an attempt to commit a terrorist attack, but was stopped and his attempt was foiled. Abdullah told S-3 to watch the video, and it would give them something to talk about.
57. On April 2, 2009, S-3 picked up Abdullah from his house and drove him to Alabama. On the way, Abdullah and S-3 discussed the movie. Abdullah talked about the recruitment of terrorists by a terrorist cell. **Abdullah said the terrorist's mistake was that he should have had the explosive ready to detonate when he crossed the border in case he got stopped. Abdullah said he waited too long, and it was unprofessional.** Abdullah didn't agree with bombing civilian targets such as buses, which occur in Israel and the West Bank, but said it is fine to bomb police stations.
58. In discussing their January 2009 eviction from the Masjid Al-Haqq at 4118 Joy Road, Abdullah said he has something planned for "them," but now is not the right time. Abdullah did not expound on this further. Abdullah said S-3 will know when he is needed, and that is why it is important to stay in communication with each other. Abdullah said that when things happen, he wants to be in the city, as opposed to in the woods, because he would be better able to avoid apprehension and arrest in the city; he would be able to maneuver better in an urban area. Abdullah talked about the need to dig tunnels to prepare for this eventuality. Abdullah told S-3 about a time that he was eluding law enforcement. Abdullah stated that as the police were chasing him using a helicopter, he attempted to shoot at them, however his rifle misfired because they had made their own ammunition and they had used too much powder.
59. On April 19, 2009, Abdullah inquired if S-3 had spoken to Mohammad Philistine about obtaining more stolen merchandise to be fenced. Abdullah told S-3 that the group needed money to host a Shuraa' Counsel meeting for the Ummah. Abdullah talked about overthrowing the United States Government and said they also need resources **"to smash those people."**
60. On April 24 and 25, 2009, S-3 attended the Al-Ummah National Shuraa' which was hosted by Luqman Abdullah and the Masjid Al-Haqq in Detroit. On April 24, Abdullah led the

Jum'uah service. During his *Khutbah*, Abdullah preached his typical rhetoric about the *kuffar* and the police and the need to establish a separate Islamic government.

61. On May 15, 2009, Luqman Abdullah led the *Jum'uah* service. S-3 characterized Abdullah's *Khutbah* as being very extreme and described Abdullah as being "fired up," at times yelling. Abdullah preached that **they should make America like Saudi Arabia, where the Muslims took control by fighting and dying.** Abdullah told his audience that although they may have a plan as individuals, they need to come together as a whole. While pointing towards 4118 Joy Road, where the Masjid Al-Haqq had been located, Abdullah said "What they did to us is not over." Abdullah said they need to maintain *Sabr* (patience). Abdullah repeatedly spoke about the need to carry out their mission, however, he never provided the details of what the mission was. Abdullah encouraged the attendees to purchase homes in the neighborhood of the new mosque. Abdullah said that they hate the Jews and that God hates the Jews.
62. Abdullah also preached that they can not merely be lukewarm in their religion, that they must be winners. Abdullah said they need to start "right here at Joy Road." He said that the government in America is nothing and has no power. Abdullah also spoke negatively about Americans in Saudi Arabia and *Khuffar* in the Arab Peninsula.
63. On May 21, 2009, Luqman Abdullah, S-3 and another man left Detroit at approximately 6:00 a.m., after the morning prayer, in order to travel to Montgomery, Alabama to meet with an Ummah Imam who had recently been shot by the police. S-3 attempted to make consensual recordings of his conversations with Abdullah during the trip. Due to the long duration of the trip, it was not possible to record every conversation.
64. During the drive, Abdullah told S-3 about a murder charge he beat in the past. Abdullah said "the Feds" have been after him for a long time, and he believes he has not been arrested because Allah is merciful to him and protects him. Abdullah stated something to the effect, **"The FBI knows that I will kill them."** Abdullah also stated that the police are his targets too, not just the FBI. On two different occasions during the trip while espousing anti-government rhetoric, Abdullah said he is "getting ready to meet Allah." Abdullah said that he has not been sleeping well at night because he does not know when the police are going to come after him.
65. At one point in the evening, S-3 and Abdullah were in the hotel room alone. Abdullah talked about the need to be careful in using a computer and the internet because that is how people get in trouble. Abdullah said he would like to get C4 or another type of explosive. Abdullah said that although he does not need the explosives, having them would be helpful for what he needs to do. At this point, the third man came back into the room, so the conversation ended.
66. On the evening of May 22, 2009, Abdullah, S-3 and the third man went back to Montgomery, Alabama for a study session that Abdullah was asked to lead. Before the class started, Abdullah talked to the attendees about the times he shot other people. Abdullah gave details about how he shot his victims and how their bodies reacted from the shots. Abdullah was

very excited and animated about this and even acted the events out and showed them the scars he obtained from being shot during the altercations. Abdullah admitted he shot one person seven times with a .22 caliber gun. Abdullah said that he was questioned by the police about the incident. Abdullah talked about a second shooting he committed with an AK and how he had to get rid of the gun. Abdullah said that he was never questioned by the police about this incident.

67. On May 23, 2009 in Alabama, Luqman Abdullah spoke about the Dar-UI Movement, and said they were a military force to be reckoned with. According to Abdullah, an Imam from New York is the leader. Jamil Al-Amin and Luqman Abdullah are members, as are Abdullah's close associates from Las Vegas, Philadelphia and Cleveland. Abdullah stated he had participated in training camps, which were located in various states, with *Jawallah* (soldier) scouts.
68. According to Abdullah, people from Saudi Arabia wanted to fund many of the Muslim groups in the United States, but wanted them all to join together as one group. Dar-UI could not agree with all the other groups, so they split apart. Two years before Abdullah joined the movement, a shooting happened in New York and several Dar-UI people were killed. Jamil Al-Amin said they had to divide the group because having too many people in one organization made them an easy target. According to Abdullah, the group is still Dar-UI, but this is not widely known because of the United States government. The Ummah is a cover name for Dar-UI.
69. On June 19, 2009 while they were in Gainesville, Georgia, S-3 heard Luqman Abdullah tell the Ummah Imam that he knows that somebody in the Masjid Al Haqq is working for the Feds. Abdullah told the Imam that a young man had asked him about going overseas to fight. Abdullah said that he is hopeful that anyone who is working for the Feds will come to the mosque often to pray, will see the error of his ways, and admit he has been working with the Feds. Then he will be on the inside. Abdullah also said that if somebody is trying to gather information on him, he would kill them himself or have them killed. Abdullah said that he has people who would be happy to handle the problem. Abdullah also said that he knows he is being listened to and targeted by law enforcement so he intentionally makes conflicting statements in order to protect himself.
70. At one point, Abdullah spoke to the Gainesville Ummah Imam's children, who were between approximately 9 and 11 years old. Abdullah told them stories about his shooting people with a 9mm gun. Abdullah said that sometimes he carries two handguns and said that he had shot a lot of people.
71. On June 19, 2009 while they were in a hotel room in Gainesville, Georgia, S-3 and Abdullah were watching a television crime show that involved a discussion of how to dispose of a body. S-3 recommended putting the body in concrete. Abdullah stated that there would be no time to do something like that and that it would be too difficult. Abdullah told S-3 in a matter of fact way that the bodies should just be buried. Also while watching television, there was a program with a nuclear bomb in it. Abdullah said that he just needs a little bomb. When S-3 asked Abdullah what his target was, Abdullah whispered, "Washington."

72. On July 8, 2009, Abdullah paid S-3 \$1,250 for his role in the July 1, 2009 acquisition of the purportedly stolen television sets (part of the Undercover Operation, below). Then Abdullah got into S-3's vehicle and placed three rounds of .38 special caliber ammunition on the dash board. Abdullah told S-3 he had a .38 caliber handgun and asked S-3 if he had anything. Abdullah said that he originally acquired the gun for someone else, so he could protect himself. **Abdullah then removed a loaded .38 special caliber revolver from his back and put it on the center console of S-3's vehicle.** Abdullah told S-3 that he could pay him \$190 or \$200 for the gun. S-3 gave Abdullah \$200 for the gun, from the \$1,250 that Abdullah had just paid him. Abdullah cautioned S-3 not to get caught with the gun and said that it is advantageous that it is a revolver because "it will not leave anything behind" (i.e., spent shell casings). Abdullah told S-3 to keep it on his person rather than hidden in the car in case he got pulled over. Abdullah told S-3 that he needs to be able to get his gun out before the cops get theirs. Abdullah also told S-3 that the cops cannot search his person unless he is arrested. In addition to the handgun, Abdullah gave S-3 the five rounds of ammunition that were loaded in it, as well as the three rounds he placed on the dashboard. After he left Abdullah, S-3 immediately contacted FBI and turned over a .38 special caliber revolver, described as an IND NAC DE ARMAS-BRASIL, Model 3, Serial Number 032576, with 8 rounds of .38 special ammunition. The weapon and ammunition are being maintained in evidence.

73. On August 19, 2009, S-3 went to the Masjid Al-Haqq. Luqman Abdullah discussed a *hadith* (an account attributed to the Prophet Muhammad) in which **he claimed the Prophet Muhammad said that it is okay to participate in theft; as long as that person prays, they are in a good state.**

Mohammad Abdul Bassir

74. **Mohammad Abdul Bassir** (a.k.a. Franklin D. Roosevelt Williams) has several felony convictions, including a 1989 conviction for armed robbery, a 1998 conviction for carrying a concealed weapon, and a 2009 conviction for carrying a concealed weapon. Bassir is currently serving a two-year sentence in the State of Michigan Department of Corrections. Bassir is a devout member of The Ummah and has been a close associate of Luqman Abdullah for over twenty years. Bassir routinely traveled with Abdullah throughout the country, often providing armed security for him. As set out in detail below:

a. **Bassir sold handguns to S-3 on four separate occasions:** November 12, 2007, December 17, 2007, January 25, 2008 and November 7, 2008. S-3 was being supervised by FBI Detroit during each purchase, and the conversations between Bassir and S-3 were recorded. After each purchase, S-3 immediately turned the weapons over to FBI, and they have been maintained as evidence.

b. Although Bassir is a convicted felon, he continued to carry a firearm. On numerous occasions during consensual recordings with S-3, Bassir has threatened to shoot law enforcement officers. On the evening of September 28, 2008, Abdul Rahim, another member of the Masjid Al-Haqq, was involved in a shooting that occurred at a gas station on the corner of Linwood and Joy Roads in Detroit. Abdul Bassir admitted to S-3

that on September 29, 2008 that he and Muhammad Abdul Salaam drove Abdul Rahim from Detroit to Philadelphia, Pennsylvania, because he was "bringing unwanted attention to the mosque." A search of Detroit Police Department records confirmed a response to the gas station on September 28, 2008 due to a report of shots fired.

c. In October 2008, Bassir told S-3 that he was planning to pay an associate to **burn down his house so he could collect insurance money**. On October 20, 2008, Bassir's house did, in fact, burn down. Later, during a consensually monitored conversation, Bassir admitted to S-3 that he had hired someone to burn down his house so he could collect the insurance money, and Bassir explained in detail how the arson was carried out. Bassir has filed an insurance claim. Detroit Fire Department Arson Squad is investigating the house fire as being of suspicious origin.

d. Bassir has been **an active participant in a conspiracy to sell or receive goods stolen from interstate shipments**, as set out below (see Undercover Operation, below).

75. On November 6, 2007, in a conversation S-3 was able to consensually record, Bassir said **he wanted to obtain a silencer for his 9 mm Glock pistol** because "you never know when you will need one." Bassir told S-3 if anybody ever crosses him, they will "get it." Bassir and S-3 spoke about the United States Government, President Bush, and Jewish people and how these people mistreat Muslims. Bassir also spoke about conspiracy theories surrounding the attacks on September 11, 2001. Bassir said brothers need to stick together and be willing to die for the cause, and **blood needs to be shed in order to change things**.

76. Bassir said he had not had time to practice shooting since he started his towing business; he used to shoot with others, and he would like to go shoot with S-3 in the future. Bassir said he believed he could get a .45 caliber handgun for S-3, but warned that they need to be careful about handguns as they both have felony records. Bassir said he believes he has been blessed by Allah: since his felony conviction, even though he has been caught twice with firearms, he has not gone back to jail.

77. On November 7, 2007, S-3 spoke again with Bassir, and Bassir showed S-3 the handgun he had previously described to S-3. Bassir removed the gun from a holster on his right hip inside of his pants. The gun was nickle or gray in color with a wood-like grip, and requires a 7.62 round. The wording TOK CZECH was stamped on it. The gun and magazine were loaded with approximately ten rounds. Bassir made it clear to S-3 that if somebody were to try to confront him, he would not hesitate to use the weapon.

78. On November 12, 2007, S-3 made a consensual recording of a conversation he had with Mohammad Abdul Bassir. Bassir gave S-3 a **.45 caliber LLAMA pistol, serial # 484842, and two magazines**. One magazine was empty and the other was loaded and in the pistol, including one round in the chamber. Bassir stated that his friend wanted \$300.00 for the weapon. S-3 asked Bassir to bring the weapon back in a few days to give him time to obtain the \$300.00. Bassir stated that S-3 could keep the handgun and that he trusted S-3 would pay him later.

Bassir did not want to transport the gun with him for fear of getting caught with it. S-3 kept the handgun and 7 rounds of ammunition which were in the one magazine. S-3 immediately turned the gun, magazines, and ammunition over to the FBI. On November 15, 2007, S-3 paid Bassir \$300.00 in U.S. Currency provided by the FBI for the handgun.

79. On December 17, 2007, S-3 made a consensual recording of a conversation he had with Mohammad Abdul Bassir. **Bassir removed a .45 caliber Tauris pistol from his waistband and gave it to S-3.** Bassir stated that he forgot that he had the pistol at his house. Bassir told S-3 the lowest he could sell the gun for was \$450.00. The pistol had a loaded magazine in it, however Bassir stated he took the round out of the chamber prior to bringing it to S-3. Bassir stated that although he already had a conviction for armed robbery, he would rather be caught with the gun on him than caught without a gun when he needed it. Bassir stated that he may have the ability to get S-3 an AK-47. Bassir agreed to S-3 paying him the \$450.00 later in the week. On December 19, 2007, S-3 paid Bassir \$450.00 provided by the FBI for the Tauris .45 caliber handgun he had received from Bassir two days earlier, and recorded their conversation.
80. On January 25, 2008, **Bassir gave S-3 a brown leather bag with a .44 magnum caliber Ruger Redhawk handgun inside of it.** Bassir and S-3 discussed the handgun, including the fact that the hammer and trigger had been replaced. Bassir and S-3 discussed the possibility of being sentenced to five years incarceration if they were caught with a firearm. Bassir stated that if anybody were to try to arrest him, he has 17 shots to use to against them. Bassir stated that Imam Luqman Abdullah is the only individual at the Masjid Al-Haqq who carries a .44 caliber handgun. Bassir was not able to obtain any .44 ammunition to go with the handgun. Bassir also stated that Abdullah is very proficient in martial arts and is a master of deceit and deception. S-3 was able to consensually record the conversation.
81. On March 21, 2008, while on a trip to Herndon, Virginia with Luqman Abdullah, Mujahid Carswell and S-3, they stopped overnight at a hotel. **S-3 saw Abdul Bassir place a 9mm Glock, Serial number AGV473, handgun under his pillow.** The following morning, March 22, 2008, the group prayed in Luqman Abdullah's room. There, S-3 witnessed a handgun sticking out from under Luqman Abdullah's pillow as well.
82. On July 21, 2008, Bassir told S-3 that he has two houses in his name, and he rarely uses one of them. Bassir said he wanted to burn it down and collect the insurance money on it. Bassir spoke out against the United States Government stating that the government wants to take down people. Bassir said that **if the government messes with Imam Luqman Abdullah, people will "start taking heads."** Bassir also said that they are almost to that point because of the situation with Jamil Al-Amin.
83. On September 18, 2008, Abdul Bassir met with S-3 and said because times are financially tough, he plans on paying an individual \$500 to burn his house down in order to collect the insurance money. Bassir will pay the individual \$250 up front and \$250 when the arson is completed. Bassir said his neighbor, who Bassir called an "old dope guy" and "the King of Martindale," told him his nephew has burned two houses for him for the insurance money.

Bassir said he arranged to have the individual to burn the house down on October 16, 2008, because Bassir would be working as a DJ at a cabaret that night, so he would have an alibi.

84. On October 7, 2008, S-3 met Bassir at his home at 7541 Hanover Street in Detroit. Bassir again stated he would be at a cabaret when the nephew of the "King of Martindale" burns his house down. S-3 saw a kerosene heater in Bassir's house, and **Bassir said they would stage the arson to appear to be an accident caused by the kerosene heater.** Bassir said he had been slowly removing his important possessions from the house, but he would leave most of the items in the house so it would not look suspicious. The house is insured, however, the personal property inside the house is not.
85. On the morning of October 13, 2008, Abdul Bassir met with S-3. S-3 attempted to record their meeting, but the recording device malfunctioned. S-3 reported their conversation to me as follows: Bassir talked about his financial trouble and explained that is the reason why he was going to "strike a match," referring to his plan to have his house burned for insurance purposes. Bassir stated one time he received \$45,000, and a year later received \$35,000, but he did not explain any further. Bassir said he had considered robbing a bank, saying he did not worry about being caught and going to jail. Bassir said he would take the bank manager and tell him that he would kill him if a silent alarm were activated and the police responded. Bassir claimed that he learned from Jamil Al-Amin that one does not have to appear angry in order to let somebody know that you would kill them. Bassir suggested the members of the mosque should start wearing their hats backwards like gang members and start shooting police in the head and letting them try to figure out who was doing the shooting. Bassir said the police need to worry about being killed because the members of the mosque have been notified that they are going to be evicted, and they have to worry about that.
86. On the afternoon of October 17, 2008 at the Masjid Al-Haqq, Abdul Bassir told S-3 the arson of his house was going to happen late on the following day. Bassir told S-3 he hoped the roof burns, and that he intended to pay the arsonist half the money in advance and half when the job is completed.
87. On October 21, 2008, S-3 spoke to Abdul Bassir, who told S-3 he was going to meet with an insurance adjuster to see what damage was done to his house. **FBI drive by surveillance of 7541 Hanover Street verified that the house had burned. A kerosene heater which appeared to have been in a fire was on the front porch of the address.** A check of the Detroit Fire Department records shows they responded to a fire at the address on October 20, 2008, at approximately 10:09 p.m.
88. On the afternoon of October 25, 2008, S-3 spoke to Bassir at the Masjid Al-Haqq. Bassir stated that the King of Martindale's nephew was the arsonist. Bassir said that the nephew is a professional and burns houses all the time and has never been caught. The nephew wears rubber gloves and rubber boots so he does not leave evidence. The nephew **made it appear that a kerosene heater exploded.** Both the insurance company, and Muhammad Abdul Salaam's friend who is the insurance adjuster, determined the fire damage caused a total loss to the house worth \$20,000.00. Bassir said he does not understand why the insurance company is contesting

it as an arson, because neither the arson investigators, nor the dogs found anything. Bassir said that he prayed about the arson during Ramadan and as a result believed it was appropriate to continue with it. **Bassir also stated that he talked to Luqman Abdullah about committing the arson and Abdullah was supportive of it.**

89. On November 2, 2008, Abdul Bassir asked S-3 if he wanted to buy the TOK handgun he had in November 2007 for \$550.00, which would include the gun, two magazines and approximately 100 rounds of ammunition. On November 5, 2008, Bassir agreed to allow S-3 to pay \$450.00 when he got the gun, and the balance of \$100.00 when S-3 could get the money. On November 7, 2008, **Bassir sold the gun, two magazines, and multiple rounds of ammunition to S-3 for \$550.00.**

90. On June 11, 2009, Luqman Abdullah told S-3 that Muhammad Abdul Salaam's friend, who is the insurance adjuster that Abdul Bassir used, said that investigators are looking to arrest Bassir for arson. Abdullah said that the individual who was originally hired to set the fire became spooked because there were people around the house. Therefore, the man taught Bassir how to set the fire himself. Abdullah also said that Bassir came up with an alibi in order to evade detection.

Muhammad Abdul Salaam

91. **Muhammad Abdul Salaam** (a.k.a. Muhammad Addul Salaam, a.k.a. Gregory Stone, a.k.a. Gun Man, a.k.a. Norman Shields) is believed to have a significant position of authority within the Masjid Al-Haqq, and is considered to be the First Emir. Salaam has at least five prior felony convictions, beginning in 1977 and continuing through at least 1985, including convictions for carrying a concealed weapon, larceny from a person, and fraudulent activity.
92. Salaam is a devout follower and close associate of Luqman Ameen Abdullah. Salaam has pledged *bayaat* to Abdullah. When Salaam is called upon to preach, he reiterates the same violent rhetoric as Abdullah. S-1 told investigators that Salaam is referred to as "the gun man" because he has a large cache of weapons stored at various residences, including pistols, AK-47s, Mini 14s, 45 Commandos, 12 gauge shotguns, and other rifles. Salaam is known to be one of the firearms instructors at the Masjid Al-Haqq. Further, S-1 testified that he witnessed Salaam **murder an individual Salaam believed had killed his brother.**
93. **Salaam participated in the conspiracy to steal and fence merchandise from interstate shipments (as part of the Undercover Operation, see below) on three separate occasions.**
94. As indicated above, on September 29, 2008, **Muhammad Abdul Salaam and Mohammad Abdul Bassir drove Abdul Rahim from Detroit to Philadelphia, Pennsylvania to help Rahim evade arrest after a shooting involving Rahim occurred.**

Abdul Saboor

95. **Abdul Saboor** (a.k.a. Dwayne Edward Davis) has been charged with several violent and drug crimes in Wayne County, Michigan, but available records do not establish that he has any felony convictions.
96. Saboor conducts martial arts training for the members of the Masjid Al-Haqq. One of the disciplines Saboor teaches is "Labas": Saboor told S-3 that the purpose of Labas is to kill the enemy, and that Muslims should practice martial arts because many people are trying to hurt them. Saboor taught S-3 many types of strikes that he referred to as "death blows," as well as techniques designed for use with a knife. Saboor told S-3 he would also instruct him in the actual use of swords, bats, sticks, and knives.
97. S-3 has observed Saboor in the main assembly room of the target facility, teaching martial arts to children as young as 7 years old, and beating them severely as part of their "training."
98. **Saboor has participated in the conspiracy to steal and fence merchandise from interstate shipments** (as part of the Undercover Operation, see below).

Mujahid Carswell

99. **Mujahid Carswell** (a.k.a. Mujahid Abdullah) is Luqman Abdullah's oldest biological son. He has no prior felony convictions. He is known to carry a .40 caliber handgun and to be a member of the Sutra team at the mosque. S-3 has observed Mujahid Carswell "training" children as young as 7 years old in martial arts, and beating them with his hands and with a stick to instill bravery and obedience in them. Mujahid Carswell has expressed a willingness to participate in firearms training with S-3 on multiple occasions. S-1 related having seen Mujahid Carswell use toilet bowl cleaner to clean up blood in the basement of the Masjid Al-Haqq following a murder S-1 witnessed there.
100. On February 8, 2009, Carswell told S-3 that he wants to get a "warmer" and/or a "heater," which S-3 took to mean a firearm. Carswell said that he wanted something small and said that if he does get one, it will be easier to make a move. Carswell did not explain further.
101. Carswell stated that he has moved to Windsor, Canada and is living two blocks from the tunnel border crossing. Carswell said he goes to a large masjid in Windsor and the people there are serious and organized. The mosque is also affiliated with CAIR. Carswell said he trains approximately sixty children, ages 8 to 18, in martial arts at the mosque.
102. Carswell talked about his philosophy and approach to committing crime. Carswell cautioned S-3 not to talk about criminal activity because other people will hear them. Carswell also told S-3 that he should not often talk to Luqman Abdullah about all of the criminal activity. Carswell told S-3 that if he tells Abdullah once about the activity to not repeat it. Carswell told S-3 that law enforcement waited forty years to get Jamil Al-Amin, and they are still trying to get

Abdullah. Carswell said that although Abdullah is still a soldier and will do whatever they need him to do, that they have a responsibility to shield him because he has a higher role.

103. **Carswell said that people at the Masjid Al Haqq have different roles.** In talking about the importance of silence relating to criminal activity, Carswell used the example of somebody being a "butcher." Carswell stated that the butcher may need to butcher a person, however nobody should know about it except the person that needs to know. Carswell said that he wanted to go overseas to get money and then return to help out. Carswell did not explain this further.

104. **Carswell has participated in the conspiracy to steal and fence merchandise from interstate shipments** (as part of the Undercover Operation, see below).

105. On February 25, 2009 Mujahid Carswell told S-3 he could get S-3 marijuana any time he wanted. Carswell also told S-3 that he found a buyer for what Carswell believed were stolen laptops.

106. On March 3, 2009 Mujahid Carswell met with S-3 and UCE-1 to discuss selling what Carswell believed were stolen laptops and stolen fur coats. Carswell told UCE-1 he wanted to buy the laptops from UCE-1, and asked for 50 laptops at \$150 each. Carswell proposed paying UCE-1 \$3,000 up front, and \$3,000 after the laptops were sold. UCE-1 told Carswell he could obtain the laptops by stealing them from either warehouses and/or trucks. Carswell offered to sell cocaine to UCE-1 for cash, but he did not want to trade merchandise for it. Carswell asked UCE-1 whether he could obtain vehicles. Carswell also discussed selling what he believed were stolen laptops and fur coats from UCE-1 with S-3. Carswell said he would sell them to buyers for \$700, and said it would be "like buy one, get one free." Carswell also stated he could get UCE-1 "some nose candy" and act as the middle man and make an "extra few bucks." Carswell said the "numbers" from the laptops "shouldn't come up 'cause we not going to report them stolen at all, but then, he's going to have his people report them stolen." Carswell elaborated that if "somebody came knocking on my door" to ask about the laptops he would tell them he got them "from Joe Shmo on the corner" or "from that crack head."

107. On March 5, 2009, Mujahid Carswell took photographs of what he believed were stolen fur coats in the back of S-3's vehicle. Carswell said he knows "some low, low level" police officers that run license plate numbers for him. Carswell and S-3 picked up a man Carswell called "Taleb." Referring to the fur coats, Carswell told Taleb "We need to get these niggers off yester week." After Taleb left, Carswell said they needed to get "front money" to acquire the laptops from UCE-1. Carswell suggested they could sell the fur coats on E-bay, since the coats do not have serial numbers and there is "too much shit to track" on E-bay. Carswell told S-3 he could rent the fur coats to a guy that makes music videos. Carswell said to S-3 that in the past some of his "associates" have killed people in the mob.

108. On March 13, 2009, Mujahid Carswell told S-3 that he was having trouble coming up with the \$3,000 for a down payment on the laptops he believed were stolen, but he would call

UCE-1 to discuss it. On March 16, 2009 Mujahid Carswell sent S-3 a text message requesting the brand of the fur coats he believed were stolen.

109. On March 18, 2009, Mujahid Carswell asked S-3 what types of laptops UCE-1 was going to provide, how many "gigs" and the screen sizes, while Carswell was on the telephone with an unidentified male. Carswell told S-3 that he would bring the laptops across the border between the United States and Canada one or two at a time to avoid scrutiny.

110. On March 20, 2009, Mujahid Carswell told S-3 that he could get the Toshiba laptops, which he believed were stolen, for \$500 or \$600 on E-bay, and the Toshibas are better than the Sony's that UCE-1 is providing. Carswell said that due to the price on E-bay, he would only pay UCE-1 \$3,000 for the laptops. Carswell suggested they need to "undercut E-bay."

111. On March 20, 2009, UCE-1 called Mujahid Carswell. Carswell told UCE-1 to bring all 50 laptops. Carswell stated he needed to know the specifics of the laptops so he could look up prices. Carswell sent UCE-1 a text message which read, "Hey, don't forget to have the 2 personal ones us aswell. LOL!" UCE-1 replied, "Laptops r Sony viao bz560p22 and Toshiba satellite pro 300 pssbeu 009004."

112. On March 21, 2009, Mujahid Carswell told S-3 his buyer wants 40 of the laptops which he will sell for "10 grand." Carswell stated after they pay UCE-1 his \$6,000, he and S-3 will have "2 stacks apiece." Carswell said he did not want his buyer and UCE-1 to meet.

113. On March 21, 2009, UCE-1 sent Mujahid Carswell a text message which read, "Mu-what's the word." Carswell replied, "GREEN LIGHT it's all a GO! Lets make it happen." UCE-1 replied, "Need 2 work out paymnt details-u got time 2 talk?" Carswell called UCE-1 and discussed the details for Carswell to receive what he believed were stolen laptops.

114. On March 23, 2009, Mujahid Carswell told S-3 that he had a buyer for what he believed were stolen laptops. His buyer "should've come up with \$7,500 already." S-3 told Carswell that UCE-1 had a place where they would meet to take possession of the laptops. Carswell asked S-3 if he would get a "sales bonus" for finding a buyer of the laptops. Carswell suggested giving UCE-1 only "5 grand" rather than the agreed upon \$6,000 for 50 laptops. Carswell said his buyer was coming from "over there" indicating Canada.

115. On March 24, 2009, Mujahid Carswell traveled from Canada to the United States to meet with S-3 and UCE-1 to take possession of the laptops which he believed were stolen. Carswell and S-3 took 6 of the laptops from UCE-1 and met Mohammad Philistine near the Masjid Al-Haqq on Joy Road. Palestine paid Carswell \$5,000, and S-3 and Carswell met again with UCE-1. UCE-1, S-3 and Carswell went to a warehouse and UCE-1 provided 34 more laptops. Carswell inquired about receiving video game systems from UCE-1. S-3 and Carswell gave 32 of the laptops to Palestine and Palestine paid Carswell an unknown amount of money. Carswell gave S-3 \$4,730; of which, \$750 went to Luqman Abdullah, \$2,000 went to UCE-1 and \$1,980 was for S-3. Carswell stated he would provide the remaining \$500 to UCE-1. Carswell took one

laptop across the border into Canada and left one with S-3. Carswell stated he would get the other laptop at a later date so he would not be suspicious carrying two laptops across the border.

116. On March 30, 2009 Mujahid Carswell told S-3 he had been detained at the United States and Canada border as he came back into the United States. Carswell stated he had never been stopped before but now had been stopped the "last two times." Carswell told S-3 that if he or UCE-1 had anything to do with him being detained, he would find out.

117. On March 31, 2009, Carswell told S-3 "they" are watching him because of his father, Luqman Abdullah. Carswell said he will keep crossing the border until they all know him and they just let him pass through. Carswell stated the "deals are legit on paper" referring to the laptops he believed were stolen. S-3 reminded Carswell that Carswell still owed UCE-1 \$500 but Carswell said UCE-1 still owes him 10 computers and UCE-1 will not get "shit" until he gives him the computers.

118. On April 5, 2009, Mujahid Carswell sent 2 text messages to UCE-1 which read "Hey! Can U send me those product number again!" UCE-1 replied, "Let me c if I can find them again." Carswell replied, "Yup." Carswell sent another text which read, "Call me." UCE-1 called Carswell and told him that matters from the previous laptop deal were not resolved. Carswell inquired about getting more laptops which he believed were stolen and discussed what types UCE-1 could get. UCE-1 and Carswell also discussed what other electronics that could be bought or sold in the future.

119. On April 11, 2009, UCE-1 sent Mujahid Carswell a text message which read, "Mu-u gonna b around on wed/thurs this wk?" Carswell replied, "Yup!" UCE-1 replied, "Cool, lets sit down on thurs." Carswell replied, "k."

120. On April 14, 2009, UCE-1 text messaged Mujahid Carswell asking him "Mu-we still on for thurs?" Carswell replied, "Sure, why not!" UCE-1 replied, "Excellent-bonefish for eats?" Carswell responded, "Ok, found anything?" UCE-1 replied, "We'll discuss thurs, thnk ull like. J's good 4 thurs 2."

121. On April 16, 2009, Mujahid Carswell, S-3 and UCE-1 met at Fishbone's restaurant in Detroit to discuss future deals with what Carswell believed was stolen property. UCE-1 told Carswell he could not obtain more laptop computers yet because it would not bring attention to the warehouse where he steals them from. Carswell told UCE-1 that he understood. Carswell told UCE-1 that he could move televisions after UCE-1 told him he knew of a shipment. Carswell told UCE-1 that he could get him "weed" but not cocaine due to the higher criminal sentencing.

122. On April 22, 2009, Mujahid Carswell sent a text message picture to UCE-1 of UCE-1 he had taken at Fishbone's restaurant on April 16. The picture of was labeled "Chicago JOHN." UCE-1 replied to Carswell, "Mu, whats up with da pic? May have something coming our way. I'll call u this wknd if I hear. Now lose tht pic!" Carswell replied, "Already Did. Sent it to you instead of the trash. LOL!" UCE-1 replied, "No more pics! Not good in my busnss-undrstnd?"

Carswell replied, "1st off, it was an accident didn't even know it gotchu. The phones done it more than once before. Get'n a new one 2morrow! 2nd kill the UNDERSTANDS, I GET IT!"

123. On April 23, 2009 S-3 confronted Mujahid Carswell about taking UCE-1's picture. Carswell told S-3 that it had been an accident and when he got into an argument with his wife, he accidentally sent the photo. Carswell said if he wanted to do something to UCE-1, he could have slapped him with his pistol and taken his truck the first time they met.

Abdullah Beard

124. **Abdullah Beard** (a.k.a. Detric Lamont Driver) is a member of the Masjid Al-Haqq's armed security team, and a confidant of **Lugman Abdullah**. He has no known criminal convictions.

125. On December 1, 2008, S-3 met with **Abdullah Beard**; he was able to record their conversation. From agents' review of the tape and my subsequent conversation with S-3, I determined that on that date, Beard told S-3 he had been **staking out a check cashing store located in the City of Detroit, and he is planning to rob the owner of the store when he leaves with his receipts at the end of the day**. Beard told CHS-1 he had spoken to **Lugman Abdullah** ("the Imam") about his plan, and Abdullah told him **"just be careful."** In part, their conversation was as follows:

Beard: I told the Imam, though. . . . What I was planning on, yeah.

S-3: Well, did he co-sign it, I mean . . . ?

Beard: Yeah. He, you know, he was, was, he like, he like, you know, "Just be careful." He said, you know, just what, I'm going to tell you this. . . . I'm going to tell you right now, it's a, it's a, um, a check cashing place. . . . You know what I'm saying?

S-3: Uh-huh.

Beard: And I seen the guy come out with the money and all that, you know, and I was with my wife, and shit. We parked, well, we were getting some gas, on Joy Road, this is not, yeah, it's on Clairmount, uh, uh, right here on Linwood. . . . You know that gas station, BP, there's a check cashing place right across the street. . . . I seen it when he come out, he had a bag of money and shit.

S-3: A big bag of money, huh?

Beard: Big bag, I saw [unintelligible]. . . . bag, one guy. He came out, I been trying to be on top of him, but . . .

S-3: As far as time wise?

Beard: I couldn't, yeah, he like, he like, he like, 'cause I was on him for a couple days, and I'm sitting there waiting, I got to find, I got to get some binoculars, and [unintelligible]. . . . I need some of them [unintelligible] so I can sit and watch him, you know what I'm saying? I got his, uh, plate number and all of that shit, so . . . We going to see what's up, man, it's like, time wise, and he, he like, you know, shifted times on me and shit, so I got, you know.

The two men then discussed how dangerous such a robbery might be, and Beard said that if the man just gives up the money, he would not necessarily be hurt:

Beard: Don't get popped over it, you know what I mean, it ain't worth it.

S-3: Right.

Beard: Might be about a hundred, two hundred, you never know, 'cause [unintelligible] cash [unintelligible]. . . . Everything. They say there ain't no, there ain't no limit to what they can cash.

126. S-3 and **Abdullah Beard** talked about the plans for the theft of merchandise (the UCO), and Beard said he would also be there to help with the theft, and for anything with his fellow Muslims. Beard stated that he used to hunt, and he considers hunting to be a good form of training. Beard said it had been a while since he has participated in this type of training. Beard told S-3 that if he were to go to the basement of the Masjid Al-Haqq, he would see all of the bullet holes in the wall from when they used to shoot down there.

127. The UCO shipment of stolen property occurred on December 4, 2008. S-3 met **Abdul Bassir**, **Adam Ibraheem**, and **Abdullah Beard** at the target location as planned, to wait for the call from the UCE meet him to aid in the theft of the property. S-3, Bassir, and **Abdullah Beard** went to Bassir's house on Lawton Avenue in Detroit. Adam Ibraheem also traveled to the housing units. While in Bassir's home, S-3, Bassir and **Beard** talked about the plan to help in the theft that night, as well as plans to participate in future thefts including the possibility of acquiring a warehouse to aid with this activity. The three also discussed participating in firearms training and the need to find a place to do so.

Mohammad Philistine

128. **Mohammad Philistine** (a.k.a. Mohammad Al-Sahli, a.k.a. Mohammad Palestine) resides in Windsor, Ontario, Canada. Luqman Abdullah told S-3 that Philistine is "a soldier and a warrior" and stated that he and Philistine would do anything for each other.

129. Philistine has come into Detroit from Canada and he has taken an active role fencing the purportedly stolen merchandise from the FBI Undercover Operation (described below) on

at least three occasions. Abdullah told S-3 that Palestine is a business man, and they can do a lot more business with him in the future.

130. Philistine has told S-3 that he has been involved in other criminal activity, and that he has provided financial support to Luqman Abdullah and his cause.

Yassir Ali Khan

131. **Yassir Ali Khan** is an associate of Mohammad Philistine. **Khan has fenced merchandise he believed to be stolen from interstate shipments** (as part of the Undercover Operation) on at least two separate occasions, as described below.

Adam Hussain Ibraheem

132. **Adam Hussain Ibraheem** has four felony convictions, the first in 1995 and the most recent in 2007. All the convictions are fraud-related.
133. Ibraheem has participated in the conspiracy to steal merchandise transported in interstate shipments. On December 4, 2008, S-3 met **Abdul Bassir, Adam Ibraheem, and Abdullah Beard** at the Masjid Al-Haqq to wait for the call from the UCE meet him to aid in the theft of merchandise. He was also involved in the January 14, 2009 UCO shipment.

Ali Abdul Raqib

134. **Ali Abdul Raqib** is a long-time follower and close associate of Luqman Abdullah. Raqib is one of the more prominent individuals in the Masjid Al-Haqq. After the group was evicted from 4118 Joy Road in January 2009, Raqib volunteered to have them use his place of business as the makeshift Masjid Al-Haqq, until a better site could be located. Raqib has no felony convictions. In 1997, he was charged with a misdemeanor traffic violation, pleaded guilty, and was placed on 12 months probation and fined.
135. **Raqib has participated in the purchase and fencing of merchandise** he believed to be stolen from interstate shipments (as part of the Undercover Operation) on August 19, 2009.
136. In addition, on October 14, 2009, S-3 saw Raqib at the Masjid Al-Haqq. Raqib told S-3 that he was evicted from his storefront on Joy Road, so he moved his store into his house on Taylor Street. Raqib invited S-3 to go see it, and gave him a tour of the house. Raqib told S-3 that Abdullah told him they have about **50 tool kits remaining to be sold**. Raqib told S-3 he would be able to help fence some of the tool kits. Raqib knew that **Muhammad Salaam** was selling the tool kits and said that he does not want to step on Salaam's toes.

Garry Laverne Porter

137. **Garry Laverne Porter** (a.k.a. "Mujahid") is a convicted felon. In 1997, Porter was convicted of carrying a concealed weapon and sentenced to two years probation. Therefore, there

is probable cause to believe that on August 19, 2009, Garry Laverne Porter committed the federal crime of possession of firearms by a convicted felon, in violation of 18 U.S.C. § 922(g).

138. While he was at Muhammad Abdul Salaam's house on August 19, 2009, Luqman Abdullah began talking to an individual he called "Mujahid" and who has been subsequently identified by the FBI as Garry Laverne Porter. Porter is an attendee of the Masjid Al-Haqq and rarely misses *Jum'uah* on Fridays. After Abdullah finished talking to Mujahid, Abdullah asked S-3 if he knew anybody that would be interested in purchasing a 12 gauge shotgun or a carbine rifle. Abdullah said the shotgun is a pump action and the rifle does not have a clip. S-3 told Abdullah that he would take both guns. Abdullah then called Mujahid, and approximately forty-five minutes later, Mujahid returned in his truck. Luqman Abdullah approached the truck and called S-3 to come over. **Mujahid removed a 12 gauge shotgun and a .30 caliber carbine rifle from a black garbage bag and showed them to Abdullah and S-3. S-3 took the guns and placed them in his vehicle. Abdullah paid Mujahid for the guns. Mujahid said that he also owned an AK and a Tommy Gun.** S-3 asked Mujahid if he wanted to sell the AK. Mujahid said he did not because he is keeping it for jihad and the war.
139. Abdullah told S-3 that he paid Mujahid \$380 for the two guns, which S-3 turned over to FBI. The guns are being maintained as evidence. They are a Mossberg 500A 12 gauge shotgun, serial number J561005; and a .30 caliber M-1 Rifle, Plainfield Machine, Dunellen, New Jersey, serial number 51006.

THE UNDERCOVER OPERATION

140. In November 2008, FBI obtained authority to launch a Group I Undercover Operation (UCO). Abdul Bassir and other members of the Masjid Al-Haqq had told S-3 they were willing to fence stolen merchandise, and the purpose of the UCO was to provide opportunities for anyone who was interested to participate in the theft of, and later in selling, goods they believe have been stolen and transported in interstate commerce.
141. As set out in detail below, to date there have been ten undercover events involving conspiracy to sell or receive stolen goods worth over \$5,000 that had been transported in interstate commerce. At his own request, Luqman Ameen Abdullah has received at least one-fifth of the total profit from each of the ten transactions, which occurred on the following dates and involved the active participation of the individuals named:
- a. December 4, 2008: Mohammad Abdul Bassir, Abdullah Beard, Adam Ibraheem
 - b. January 14, 2009: Mohammad Abdul Bassir, Abdullah Beard, Adam Ibraheem
 - c. February 12, 2009: Luqman Abdullah
 - d. March 25, 2009: Luqman Abdullah, Muhahid Carswell, Mohammad Philistine
 - e. April 29, 2009: Luqman Abdullah, Yassir Ali Khan, Mohammad Philistine

- f. May 28, 2009: Luqman Abdullah, Yassir Ali Khan, Mohammad Philistine
- g. July 1, 2009: Luqman Abdullah, Muhammad Abdul Salaam, Abdul Saboor
- h. July 24, 2009: Luqman Abdullah, Abdullah Beard, Abdul Saboor, Mohammad Abdul Salaam
- i. August 19, 2009: Luqman Abdullah, Ali Abdul Raqib, Mohammad Abdul Salaam
- j. October 8, 2009: Luqman Abdullah, Mohammad Abdul Salaam

First UCO Transaction

142. On November 16, 2008, Abdul Bassir sat in S-3's vehicle and they talked about participating in the theft of merchandise. S-3 asked Bassir whether he had talked to Imam Luqman Abdullah about it, and whether Abdullah approved; Bassir told S-3 he would be surprised what Abdullah would agree to, as long as they consistently attend prayer services, put the "Dean" first, and donate some of the proceeds to the mosque. Bassir said that in the past, Abdullah has approved of when he and others have "hit a lick"; Bassir told S-3, he would not believe what they have done in the past with Abdullah's approval.
143. Abdullah Beard (a.k.a. Detric Lamont Driver) walked by S-3 and Bassir while they were discussing the plans. Beard told Bassir to let him know when something was going on. Bassir told S-3 to give him a day or two to find somebody else to help. Bassir asked Beard for his cell number and told him that they have something coming up next week. Beard said he would help. Bassir agreed to meet with S-3 and his supplier, an individual who was in fact an undercover employee with the FBI (hereinafter UCE-1), to discuss the plans for moving the stolen merchandise.
144. On November 18, 2008, S-3 went to the Masjid Al-Haqq and met with Bassir. In discussing the plans for moving the stolen merchandise, Bassir said he wishes just the three of them (S-3, Bassir, and Abdullah Beard) could do it. Bassir stated that if they need a fourth person, Adam Hussain Ibraheem could help, since he has done things in the past.
145. Later that evening, S-3 and Abdul Bassir went to the Coney Island on Michigan Avenue and met with UCE-1. The three discussed plans to steal merchandise from trucking companies. Bassir said that he has experience in dealing with stolen items and worse. Bassir did not further expound on that statement. At the conclusion of the meeting, the UCE-1 gave S-3 and Abdul Bassir each \$100 cash as a good faith payment for them meeting with him and agreeing to help him in the future with the theft.
146. After the meeting at the Coney Island, S-3 and Abdul Bassir returned to the Masjid Al-Haqq. Bassir stated that he was happy with UCE-1 and excited about the planned thefts. During the drive to the mosque, Bassir told S-3 to drive better because he was carrying a gun and

they should not give "the devil" a reason to come after them. S-3 took this to mean the police. After arriving at the mosque, Bassir went into the security room and talked to Adam Ibraheem and Abdullah Beard.

147. After S-3 left the mosque on November 18, 2008, Bassir called S-3. S-3 was unable to record this unexpected phone call. Bassir told S-3 that he told Beard and Ibraheem about the plans for the stolen goods. Bassir said that he gave each of them \$20 and told them to be ready to help with little notice. Beard and Ibraheem said they are both willing to help when needed.
148. On November 23, 2008, S-3 went to the Masjid Al-Haqq and spoke with Luqman Abdullah, Abdul Bassir, and Adam Ibraheem. Abdul Bassir told S-3 that Adam Ibraheem, and Abdullah Beard were both willing to participate in their plan to aid in the theft of merchandise, and that he hoped it would occur soon. Later, S-3 gave Adam Ibraheem a ride to house on Ohio Street. Ibraheem asked S-3 for more information on the plan to take part in the stolen merchandise. Ibraheem said that Bassir told him the leader of the theft ring has a lot of money and there is a lot of money to be made. Ibraheem was excited about the plan and asked S-3 if it would happen during the current week.
149. On November 28, 2008, S-3 and Abdullah Beard talked about their upcoming plan to participate in the theft of stolen merchandise from trucking companies. Luqman Abdullah warned that they must be patient in their activities because if they carelessly rush things without proper planning, things could go wrong. Abdullah told S-3 and Beard that they need to give 1/5 of the proceeds of the stolen goods to him for the mosque. Abdullah told them they need to keep Allah first. Abdullah claims that giving 1/5 of the proceeds, the "dirty" money is purified.
150. On November 30, 2008, S-3 again talked to Luqman Abdullah about the plan for S-3, Abdul Bassir, Adam Ibraheem, and Abdullah Beard to participate in the theft of merchandise from trucking companies. S-3 asked for permission to do so. Luqman Abdullah said that he would not say no, as long as they agreed to give him 1/5 and don't forget about Allah. Abdullah further explained that he is to be given 1/5 of the total proceeds and the remainder of the money can then be divided among the participants. Abdullah asked how S-3 knew the man from the trucking company who requested the help in the thefts. Abdullah cautioned S-3 to remember that he is being watched as a result of associating with him. Abdullah told S-3 that they need to conduct counter-surveillance and to "watch the watcher."
151. On December 3, 2008, Bassir and S-3 discussed the fact that Abdullah wanted 1/5 of the proceeds they make on the stolen property. S-3 and Abdul Bassir met with UCE-1 at the American Coney Island on Michigan Ave. Bassir assured UCE-1 that the other individuals (Beard and Ibraheem) who will be helping with the theft of the merchandise were "solid." Bassir said that he helped raise them and brought them up. UCE-1, Bassir and S-3 discussed the plan to steal the merchandise on the following evening. UCE-1 gave S-3 \$1,000 in cash as partial payment up front and stated they would receive another \$1,500 the following night after completion of the theft.

152. Following the direction of Luqman Abdullah that he should receive 1/5 of the total proceeds from the thefts, S-3 told Bassir that he would equally divide the \$1,000 among himself, Bassir, Adam Ibraheem, Abdullah Beard and Luqman Abdullah. Bassir told S-3 that rather than receiving his share equaling \$200 that night and \$300 the following night that he wanted \$500 at that time, and S-3 could pay the others their total \$500 the following night. S-3 agreed and gave Bassir \$500.
153. Following the meeting, S-3 and Bassir returned to the Masjid Al-Haqq. Approximately twenty people were standing in front of the mosque. Mohammad Abdul Salaam was standing near Luqman Abdullah. S-3 gave Abdullah \$200, his share of the \$1,000. Abdullah thanked S-3 and told him that he wanted to spend time the following day to go over something in the Koran.
154. On December 4, 2008 at approximately midnight, FBI Detroit conducted an undercover operation in Detroit, Michigan involving the staged theft of an interstate shipment of goods. Two FBI UCEs participated. During the undercover operation, Abdullah Beard assisted other members of the Masjid Al Haqq (Mohammad Abdul Bassir, Adam Hussain Ibraheem, and S-3) in physically moving multiple pallets of goods from one semi-truck trailer to another. The value of the goods exceeded \$5,000.00. Prior to moving the goods, an FBI UCE cut a metal seal to the door of the truck containing the goods with bolt cutters allowing access to the load. The cutting of the seal was completed in the presence of the Adam Hussain Ibraheem and the other members of the Masjid Al Haqq. After the goods were moved, an FBI UCE provided a total of \$1,500.00 in FBI investigational funds, the remainder of the payment for assisting with the theft of goods.
155. On December 8, 2008, Abdul Bassir asked S-3 if he heard from UCE-1 regarding future participation in stealing merchandise, and whether UCE-1 was satisfied with their previous work. S-3 and Luqman Abdullah went into the security room of the mosque together. Abdullah told S-3 that neither Bassir, Abdullah Beard or Adam Ibraheem told him about how the theft of the stolen merchandise went a few days before. As Abdullah previously instructed S-3 to give him 1/5 of all proceeds, S-3 gave him \$300, which was the balance he owed Abdullah, and explained that it was his portion from the theft of the stolen goods. Abdullah was very excited to get the money and said that he wished to give some of it to Jamil Al-Amin's wife, Karima.
156. On January 6, 2009, S-3 met with Mohammad Abdul Bassir at Bassir's house. Bassir said that he was hoping "John" from the trucking company would have something good for them to steal. Adam Ibraheem called S-3 while S-3 was at Bassir's house, and inquired about plans to aid in the theft of merchandise from the trucking company.

Second UCO Transaction

157. On January 11, 2009, while driving back from Atlanta, Georgia to Detroit, S-3 and Abdullah talked about the need to give Abdullah 1/5 of all the proceeds from illegal activities, including the theft of merchandise in which S-3 and other members of the Masjid Al Haqq have been participating. S-3 also told Abdullah about the availability of some stolen furs that he could get in order to fence. Abdullah explained that when he is given 1/5 of the proceeds from illegal

acts, it purifies the money. Abdullah stated that they are at war, and any Muslim that doesn't know that, is an idiot. Abdullah stated that the illegal activity is justified because they are at war.

158. S-3 and Abdul Bassir met UCE-1 to discuss plans to break into a truck the following night and steal the merchandise. Bassir, Abdullah Beard, Adam Ibraheem, and S-3 were to participate. UCE-1 gave Bassir \$500 cash after the conversation as payment up front and agreed to pay the group another \$1,000 at the conclusion of the theft, for a total of \$1,500. As agreed upon earlier, Luqman Abdullah was to be paid \$300, which equals 1/5 of the proceeds. Abdul Bassir said that Muhammad Abdul Salaam had contacts in order to fence some of the stolen goods. Bassir told S-3 that he would talk to Salaam about it. Bassir stated that they could probably fence stolen plasma televisions, laptop computers and appliances.
159. After dropping Bassir off at his house, S-3 also returned home. S-3 remembered that Bassir had placed a handgun in the glove box of his vehicle, and did not recall him removing it. S-3 opened the glove box and saw Bassir's handgun, a Colt Challenger, .22 caliber, with a blue steel barrel and a brown grip, Serial number 34896-C.
160. On January 13, 2009, UCE-1 met with S-3 and Mohammad Abdul Bassir. UCE-1 explained to Bassir that he was stealing a load of merchandise from a distribution center, and he would need help unloading the stolen merchandise and moving it to a rental vehicle. The merchandise consisted of energy drinks that would be shipped to a buyer in Florida. Bassir advised UCE-1 that the same individuals that had assisted in the previous job would help out again. After the meeting, the UCE-1 paid Bassir and S-3 a total of 500.00 of FBI investigational funds, which UCE-1 described as an advance payment for assistance in stealing the truckload of merchandise planned for the following evening. Bassir also expressed a willingness to fence stolen property for UCE-1. Bassir identified televisions and appliances as goods that he believed he could sell for UCE-1.
161. On January 14, 2009, FBI Detroit conducted an undercover operation in Detroit involving the staged theft of an interstate shipment of goods. The operation involved the CHS and three FBI undercover employees. During the undercover operation, Abdallah Beard assisted Mohammad Abdul Bassir, Adam Hussain Ibraheem, and S-3 in physically moving multiple pallets of goods from one semi-truck trailer to another truck. The value of the goods exceeded \$5,000.00. Prior to moving the goods, an FBI UCE cut the seal to the door of the truck containing the goods allowing access to the load. After the goods were moved, an FBI UCE provided a total of \$1,000.00 of FBI investigational funds to the four individuals as the second part of the payment for assisting with the theft of goods, and paid Bassir an additional \$200.00 "tip." Beard split the money equally with the other three individuals.
162. The following day, S-3 spoke to Luqman Abdullah, who confirmed that Bassir paid him his portion (1/5) of the money, equaling \$300.00.

Third UCO Transaction

163. On February 12, 2009, S-3 and Luqman Abdullah drove to Chicago, Illinois together in order to meet an individual to get fur coats which were purportedly stolen. During the afternoon hours, S-3 and target met up with FBI UCEs to transfer purportedly stolen furs from Illinois to Michigan. S-3 pulled into a garage, the doors closed behind them, and S-3 moved the stolen furs from the truck into his vehicle. The UCE explained to S-3 and Abdullah that they (UCEs) already received an insurance payoff for the furs. Abdullah stayed in the vehicle throughout the transaction. The UCE told Abdullah to take care of the furs and Abdullah agreed he would. When the deal was done, Abdullah told S-3 to not speak about the stolen furs, but did tell him that he wants 1/5 of the proceeds from the stolen furs.
164. When S-3 and Abdullah arrived in Flint, Michigan, S-3 paid for a room at the Holiday Inn that Abdullah chose, because Abdullah said he always stays there when in Flint. Luqman Abdullah helped S-3 unload the furs from his vehicle by placing them on a luggage cart, which they rolled into their hotel room. Luqman Abdullah was looking around and quickly moved the furs. S-3 told Luqman Abdullah the furs are probably worth \$3,000, and Abdullah said he would rather have the money for the furs, than the furs themselves. Luqman Abdullah said S-3 should speak to Muhammad Abdul Salaam, and his son, Mujahid Carswell, to help sell the furs.
165. On March 5, 2009, S-3 and Mujahid Carswell met in order for Carswell to photograph the "stolen" fur coats that Abdullah and S-3 had brought back from Chicago. Carswell attempted to fence the coats.

Fourth UCO Transaction

166. On March 3, 2009, S-3, UCE-1, and Mujahid Carswell met to discuss what was portrayed to Carswell as the theft of goods from an interstate trucking shipment that was coordinated by UCE-1. Carswell expressed a willingness to fence stolen property for UCE-1. Carswell told UCE-1 that he could fence 50 laptop computers. Carswell and UCE-1 agreed that Carswell would pay approximately \$3,000 to \$3,500 to UCE-1 upon receiving the computers and the same amount after they were sold. Carswell also told UCE-1 that he is able and willing to sell him illegal narcotics.
167. On March 25, 2009, S-3, UCE-1, and Mujahid Carswell met to conduct a transaction with laptop computers Carswell believed had been stolen. FBI had acquired 50 laptop computers to be used in a controlled delivery of purportedly stolen property. During the undercover meeting, UCE-1 delivered 40 purportedly stolen laptop computers to Carswell and in return was paid \$5,500 of a previously agreed upon price of \$6,000. Carswell agreed to pay UCE-1 an additional \$500 in the near future. Carswell sold at least 38 laptop computers to Mohammad Philistine and Yassir Ali Khan. S-3 reported that Carswell kept two laptops for himself. The operation and delivery took place, in part, at the warehouse procured by FBI Detroit for covert operations.
168. That same day, March 25, 2009, S-3 spoke to Luqman Abdullah and was invited to come to Abdullah's house. S-3 gave Abdullah the \$750 which was his portion of the proceeds from

the fenced laptops. Abdullah appeared to S-3 to be very excited and pleased with the money. Abdullah stated that he had talked to Mohammad Philistine, who was not happy with Mujahid Carswell because Carswell was not honest regarding the sale of the laptops. Abdullah told S-3 that it is important to be upright and just. Abdullah admitted to S-3 that he knew about the fencing of the laptops which Abdullah believed to be stolen, and said he had arranged the deal behind the scenes. S-3 believes that Philistine and Abdullah talked about the laptops prior to purchasing them.

169. On March 27, 2009, Luqman Abdullah told S-3 that he had spoken to Muhammad Philistine, and in the future, Philistine wants to deal with Abdullah rather than Carswell regarding the fencing of stolen items provided by the UCE.

Fifth UCO Transaction

170. On April 29, 2009, S-3 and Luqman Abdullah met with UCE-1. During the meeting, UCE-1 delivered 24 laptop computers to Abdullah. UCE-1 advised Abdullah that computers were "stolen." Abdullah paid UCE-1 cash for the computers, then delivered them to a fence he called "Yassir" (identified by FBI as Yassir Ali Kahn) who is employed by an Arabic Canadian resident identified as Mohammad Philistine, a.k.a. Mohammad Palestine, a.k.a. Mohammad Al-Sahli. Philistine gave Abdullah the money to pay UCE-1 for the purportedly "stolen" laptops.

Sixth UCO Transaction

171. On May 28, 2009, had a telephone conversation with Muhammad Philistine. S-3 notified Philistine that "John" (UCE-1) had "stolen" laptop computers for them to purchase and fence. Philistine asked if "John" could also obtain Burberry purses and I-phones. Palestine said that he would not be able to meet with S-3 to pay for the laptops and pick them up, but Yassir [Khan] could.
172. S-3 then talked to Yassir on the phone. They discussed meeting so that Yassir could pay S-3 for twenty laptop computers. S-3 told Yassir that he would also be getting an extra computer as they were short one computer the last time.
173. After the calls, S-3 picked up Luqman Abdullah. Abdullah, S-3 and Yassir Khan agreed to meet at the Islamic Center of Detroit (ICD). There, Yassir Khan paid Abdullah \$5,000.00. Abdullah counted the money and then gave it to S-3.
174. S-3 and Abdullah traveled to a warehouse to meet "John." S-3 paid "John" \$3,000.00 for the 21 laptop computers. "John" advised Abdullah that the computers had been stolen and shipped to Michigan. Together, S-3 and Abdullah loaded the computers into S-3's vehicle. While he was inside the warehouse, Abdullah saw pallets of power tools and cigarettes. "John" told Abdullah that he could get power tools for them to purchase and that he could use some people to help in switching the old cigarettes into boxes of new cigarettes.

175. S-3 and Abdullah then met Yassir Khan back at the ICD and delivered the laptop computers to him. S-3 then drove Abdullah back to his house. S-3 gave Abdullah \$1,000.00, and kept \$1000.00 for himself. Abdullah thanked S-3 and said something to the effect of, "Let's keep it up." Abdullah also said that he would use some of the money to help fix up the house on Clairmount Street in Detroit that they plan to use as their next mosque.

Seventh UCO Transaction

176. On July 1, 2009, S-3 and Luqman Abdullah met with UCE-1 at a covert warehouse in Dearborn, Michigan. During the meeting, UCE-1 delivered ten 40 inch LCD television sets to Abdullah. UCE-1 advised Abdullah that the televisions were "stolen." FBI surveillance teams observed Abdullah take the televisions from the warehouse in his vehicle and then load the television sets into his residence. **Saboor and Salaam assisted Abdullah** in fencing the television sets. UCE-1 advised Abdullah that he could keep the televisions as a partial payment for services Abdullah could provide UCE-1 in assistance of an up coming theft of a shipment of cigarettes orchestrated by UCE-1.

Eighth UCO Transaction

177. On July 1, 2009, an FBI UCE met with Luqman Abdullah and S-3. The UCE explained in detail that he needed help in stealing a load of cigarettes and substituting damaged unmarketable cigarettes for them, and asked Abdullah if he could supply manpower to assist in the theft. Abdullah agreed.
178. On July 24, 2009, FBI Detroit conducted an undercover operation at a warehouse in Dearborn, Michigan. As he had been instructed by Abdullah, S-3 went to the Masjid Al-Haqq. Luqman Abdullah had recruited Abdullah Beard, Muhammad Abdul Salaam and Abdul Saboor to help with the cigarettes. Luqman Abdullah told the group that they need to be mentally prepared for whatever might come -- they need to be prepared to die and should prepare as if they are going to war. Abdullah told them that "the Feds" were watching them and said that they need to get to the warehouse, do the work, and get out quickly. Abdullah said that they knew what they were doing was illegal. Abdullah was talking to S-3 and Abdul Saboor about the Feds, and Abdullah made a statement about blowing up the Federal building. Abdullah pointed to S-3 and said he "will make some for me." S-3 believes this is in reference to previous conversations with Abdullah, when they discussed whether he could make TNT. When Abdullah Beard came into the room, Luqman Abdullah made another statement about blowing something up.
179. During the operation, Luqman Abdullah, Abdullah Beard, Abdul Saboor, and Mohammad Abdul Salaam met with two FBI UCEs and S-3. While inside of the warehouse, an FBI UCE explained that he had several pallets of damaged cigarettes. The UCE explained that he also had several pallets of good cigarettes that were supposed to be distributed to vendors. The UCE indicated that he intended to steal the good cigarettes by removing them from their containers and filling the containers with the bad cigarettes. The UCE explained that he needed assistance from Abdullah, Beard, Saboor and Salaam, who would remove the good cigarettes from their packages and replace them with bad cigarettes. The subjects were would then disguise

the stolen cigarettes by concealing them in empty "Kleenex" boxes, which would then be loaded on to a separate truck. The UCE explained that the repackaged damaged cigarettes would be delivered in place of the good cigarettes, thus reducing the immediate reporting of the stolen good cigarettes.

180. After the FBI UCE explained the procedure, the members of the Masjid Al Haqq began to physically remove the good cigarettes from their packaging, replace them with damaged cigarettes, and then hide the good ("stolen") cigarettes in empty Kleenex boxes for placement onto a second truck. The staged theft and packaging took approximately three hours to complete. Once completed, an FBI UCE provided Luqman Abdullah with a total of \$2,500.00 of FBI investigational funds as partial payment for the Masjid Al Haqq members' participation in the theft. In total, over 150 cases (6,000 cartons) of cigarettes were repackaged into Kleenex boxes for a total of approximately \$200,000 worth of retail priced cigarettes.

Ninth UCO Transaction

181. On August 19, 2009, S-3 went to the Masjid Al-Haqq. Luqman Abdullah discussed a hadith (an account attributed to the Prophet Muhammad) in which he claimed the Prophet Muhammad said that it is okay to participate in theft; as long as that person prays, they are in a good state.
182. Abdullah approached S-3 and asked what time they were supposed to meet with "John" (UCE-1). Abdullah also discussed which vehicle they would take in order to pick up the televisions from "John" that they were supposed to get. S-3 called "John" to inquire as to the size of the TVs. Abdullah and S-3 agreed that Abdullah's Ford Ranger pickup truck was not large enough to haul all ten of the televisions. Abdul Saboor offered the use of his van but said he would have to go home and remove the seats in the back. Abdul Saboor was making telephone calls, telling the person he was speaking to about the televisions. Saboor asked Luqman Abdullah how much he wanted for all ten televisions. Abdullah told Saboor he wanted \$500.00 each. Saboor then told the man on the phone, they were \$500.00 each.
183. Ali Abdul Raqib overheard the conversation between S-3 and Luqman Abdullah about getting the "stolen" televisions for resale. Raqib offered the use of his light blue Chevrolet pickup truck and Abdullah accepted. While Raqib drove his truck to get gas, Abdullah drove, with S-3 as a passenger, to his house. Abdullah told S-3 he had to go get the money for "John" and went into his house. Abdullah came out of his house with money in his hand. Abdullah drove to the warehouse to meet John and Raqib followed in his truck.
184. Once at the warehouse, Abdullah spoke to "John" while S-3, Raqib and UCE-2 talked. They told Raqib about the theft of the cigarettes that a group of them from the Masjid Al-Haqq previously participated in, and showed Raqib some of the expired cigarettes that were still in the warehouse. Abdullah paid UCE-1 \$1,500.00 in cash and told him that he would receive the remaining balance of \$1,500.00 later that evening. Abdullah previously agreed to pay UCE-1 a total of \$3,000.00 for ten 46" Toshiba HDTVs and asked John why it took so long to get another shipment of merchandise.

185. Abdullah, Raqib, S-3, and UCEs 1 and 2 all helped load four 46" Toshiba HDTVs into Abdullah's Ford Ranger and six of them into Raqib's Chevrolet pickup. Abdullah told Raqib to follow them to where they were taking the TVs. Abdullah drove his Ford Ranger and told S-3, who was in the passenger seat, to look for suspicious people watching them. Abdullah also told S-3 that he likes to take the streets through neighborhoods because it is safer. S-3 believes that Abdullah was saying that it is easier to detect cars following them through neighborhood streets than on highways. Abdullah told S-3 they were going to Muhammad Abdul Salaam's house.
186. Once they got to Salaam's house, the group unloaded the ten televisions into it. Salaam had a section of the living room cleared of all the furniture to make room for the TVs. Also, on a table in the room was a television identical to the ones that they received the last time they fenced them. Once the TVs were unloaded, Raqib departed. Salaam assured the group that the televisions would be safe in his house.
187. Shortly after they arrived, Salaam started making phone calls on his cell phone to people about the televisions. During one call, Salaam told the individual that they had the TVs and that they were \$600.00 each. Salaam said that "Wayne," a.k.a. Abdul Saboor, was trying to sell them for \$500.00 each. Salaam and Abdullah were not happy that Saboor told them \$500.00 because that meant he was not making a profit for himself over Abdullah's price of \$500. Salaam bragged about being a hustler. Salaam and Abdullah suggested that Saboor was too nice in giving the guy the price of \$500.00. They joked that he should not try to be a dealer, but rather he should stick to killing because he is good at it.

Tenth UCO Transaction

188. On October 7, 2009, Abdullah Beard called S-3 and said that he was going to meet with UCE-1, whom Beard knows as "John." S-3 drove to Beard's house to pick him up. S-3 and Beard went to the Hard Rock Café in Detroit. There, UCE-1 gave S-3 and Beard information about the laptop computers and power tools that he was able to steal for them to fence. UCE-1 told Beard that he has "something big" planned for the end of the month and asked if they could supply manpower. Beard said that they would like to do something big.
189. Later that evening, S-3 told Abdullah that UCE-1 had 15 laptop computers and 54 power tool kits, and gave Abdullah the specifics which he received from UCE-1. Abdullah did the math and figured out how much he would charge for the laptops and power tools.
190. On October 8, 2009, S-3 attempted to call Abdullah but Abdullah did not answer, so S-3 called Muhammad Abdul Salaam. Salaam said that Abdullah told him about the items and asked S-3 the specifics about the laptops. S-3 asked Salaam if he could help them transport the items in his pick up truck. Salaam was unable to help because he was watching his children, but offered the use of his truck if need be. S-3 asked Salaam if they were bringing the items back to his house on Genessee Street as they had in the past, and Salaam said yes.

191. At approximately 11:00 a.m., S-3 went to Abdullah's house where Abdullah was already waiting in his Ford Ranger pick up truck. S-3 traveled in his vehicle and Abdullah drove his Ranger to the warehouse in order to meet with UCE-1 to get the laptops and tools. Abdullah and S-3 met with UCEs 1 and 2. Abdullah paid UCE-1 \$1,500.00. They loaded the laptops and some of the tools into S-3's vehicle, and the tool kits into Abdullah's truck. Abdullah took one of the 15 laptops for himself. Abdullah and S-3 then drove to Muhammad Abdul Salaam's house and unloaded the merchandise. S-3 was able to see the items going into the house as well as the television that Salaam had obtained from one of the prior deals with UCE-1. Abdullah told Salaam that they were paying \$20 each for 54 tool kits, and that he wanted \$40 each in return.
192. S-3 and Abdullah returned back to the warehouse and loaded the remaining tool kits into Abdullah's truck. UCE-1 warned Abdullah that none of the laptops could be returned to the store because they would have been reported stolen. Abdullah told UCE-1 that they would get the remainder of the money they owed him as fast as possible, and asked how long he would be in Detroit.
193. UCEs 1 and 2 explained to Abdullah that they are going to steal a large truckload of goods at the end of October, and they will need people to help physically move the items off the truck. Abdullah said that they would help and agreed that he would get the same people that had helped UCE-1 in the past and could get more help if necessary.
194. Abdullah and S-3 returned to Salaam's house with the remainder of the tools and unloaded them as they did previously. Abdullah told Salaam to make sure that people know the laptops can not be returned to a store because they will get in trouble. Abdullah said that he needed 6 laptops to take to Abdul Saboor's house because he had them sold already. Abdullah also took one of the tool kits to Saboor to see if he could sell them. Abdullah and S-3 left Salaam's house.

CONCLUSION

195. Therefore, in light of the foregoing, I submit there is probable cause to believe that:
196. **Luqman Ameen Abdullah** (a.k.a Christopher Thomas) has committed, or aided and abetted others in committing, violations of federal law, to wit: 18 U.S.C. § 371 (conspiracy to commit federal crimes, including 18 U.S.C. § 2315, sale or receipt of stolen goods transported in interstate commerce, and 18 U.S.C. § 1341, mail fraud); 18 U.S.C. § 922(d) (providing firearms or ammunition to a person known to be a convicted felon); 18 U.S.C. § 922(g) (possession of firearms or ammunition by a convicted felon); 18 U.S.C. § 931 (possession of body armor by a person convicted of a violent felony); and 18 U.S.C. § 511 (altering or removing motor vehicle identification numbers).
197. **Mohammad Abdul Bassir** (a.k.a. Franklin D. Roosevelt Williams) has committed, or aided and abetted others in committing, violations of federal law, to wit: 18 U.S.C. § 371 (conspiracy to commit federal crimes, including 18 U.S.C. § 2315, sale or receipt of stolen goods transported in interstate commerce, and 18 U.S.C. § 1341, mail fraud); 18 U.S.C. § 922(d) (providing firearms or ammunition to a person known to be a convicted felon); 18 U.S.C. § 922(g) (possession of firearms or ammunition by a convicted felon); and 18 U.S.C. § 511 (altering or removing motor vehicle identification numbers).
198. **Muhammad Abdul Salaam** (a.k.a. Muhammad Addul Salaam, a.k.a. Gregory Stone, a.k.a. Gun Man, a.k.a. Norman Shields) has committed, or aided and abetted others in committing, violations of federal law, to wit: 18 U.S.C. § 371 (conspiracy to commit federal crimes, including 18 U.S.C. § 2315, sale or receipt of stolen goods transported in interstate commerce).
199. **Abdul Saboor** (a.k.a. Dwayne Edward Davis), has committed, or aided and abetted others in committing, violations of federal law, to wit: 18 U.S.C. § 371 (conspiracy to commit federal crimes, including 18 U.S.C. § 2315, sale or receipt of stolen goods transported in interstate commerce).
200. **Mujahid Carswell** (a.k.a. Mujahid Abdullah), has committed, or aided and abetted others in committing, violations of federal law, to wit: 18 U.S.C. § 371 (conspiracy to commit federal crimes, including 18 U.S.C. § 2315, sale or receipt of stolen goods transported in interstate commerce).
201. **Abdullah Beard** (a.k.a. Detric Lamont Driver), has committed, or aided and abetted others in committing, violations of federal law, to wit: 18 U.S.C. § 371 (conspiracy to commit federal crimes, including 18 U.S.C. § 2315, sale or receipt of stolen goods transported in interstate commerce).
202. **Mohammad Philistine** (a.k.a. Mohammad Palestine, a.k.a. Mohammad Al-Sahli), has committed, or aided and abetted others in committing, violations of federal law, to wit: 18

U.S.C. § 371 (conspiracy to commit federal crimes, including 18 U.S.C. § 2315, sale or receipt of stolen goods transported in interstate commerce).

203. **Yassir Ali Khan** has committed, or aided and abetted others in committing, violations of federal law, to wit: 18 U.S.C. § 371 (conspiracy to commit federal crimes, including 18 U.S.C. § 2315, sale or receipt of stolen goods transported in interstate commerce).
204. **Adam Hussain Ibraheem** has committed, or aided and abetted others in committing, violations of federal law, to wit: 18 U.S.C. § 371 (conspiracy to commit federal crimes, including 18 U.S.C. § 2315, sale or receipt of stolen goods transported in interstate commerce).
205. **Garry Laverne Porter** (a.k.a. Mujahid) has committed, or aided and abetted others in committing, violations of federal law, to wit: 18 U.S.C. § 922(g) (possession of firearms or ammunition by a convicted felon).
206. **Ali Abdul Raqib** has committed, or aided and abetted others in committing, violations of federal law, to wit: 18 U.S.C. § 371 (conspiracy to commit federal crimes, including 18 U.S.C. § 2315, sale or receipt of stolen goods transported in interstate commerce).

GARY LEONE
Special Agent, FBI

Subscribed to and sworn before me
this 27th day of October, 2009.

DONALD A. SCHEER
HONORABLE DONALD A. SCHEER
United States Magistrate Judge

B



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

February 23, 2010

Attorney General Michael Cox
State of Michigan
Department of Attorney General
Criminal Division
P.O. Box 30758
Lansing, Michigan 48909

Re: Review of Fatal Shooting of Deceased Lugman Ameen Abdullah


Dear Mr. Cox:

As you are aware, on October 28, 2009, Special Agents of the FBI were executing federal arrest warrants for Lugman Ameen Abdullah and other co-conspirators. During the execution of the warrants, Mr. Abdullah was fatally shot by members of the FBI arrest team. In accordance with established FBI policy, a Shooting Incident Review Team (SIRT) was immediately deployed to the FBI's Detroit Division to conduct a review of this incident. Upon arrival, the SIRT initiated a joint investigation with the Dearborn Police Department. Detectives from the Dearborn Police Department participated in interviews they deemed pertinent. The Dearborn Police Department has received a copy of all statements provided to the SIRT. As is customary in these matters, the results of the investigation are referred to the cognizant state prosecutor's office for the purpose of determining whether FBI agents violated any state criminal laws. The FBI cannot close out its investigation without receiving an opinion from the local prosecutor's office. In this case, the Wayne County Prosecutor's Office has declined to conduct any investigation into the incident and requested that your office, or a designee of your choice, carry out the investigation of this matter. Therefore, we are enclosing with this letter, a full copy of our investigative report regarding the shooting.

The records and materials you have requested were generated by the FBI in conjunction with the investigation of the shooting incident and are being provided to your office in order to complete the investigation. As these documents and materials are being released to your office solely for this purpose, your office is not authorized to release these documents to any third party outside your office for any purpose other than for use at

trial or otherwise advancing your investigation. This limitation specifically includes any requests made under Michigan state "sunshine" laws. Any requests for permission for further dissemination should be directed to the Inspection Division, Office of Inspections, Chief Inspector, Mary E. Galligan, telephone number 202-324-5301.

Sincerely,

A handwritten signature in cursive script that reads "Kenneth L. Moore". The signature is written in dark ink and is positioned above the typed name.

Kenneth L. Moore
Inspector
Inspection Division

C

DEADLY FORCE POLICY

(Effective Date 07/01/2004)

(To be briefed prior to each operation, to all participants)

GENERAL PRINCIPLES:

1. Law enforcement officers and correctional officers of the Department of Justice may use deadly force only when necessary, that is, when the officer has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the officer or to another person.
 - A. Deadly force may not be used solely to prevent the escape of a fleeing subject.
 - B. Firearms may not be fired solely to disable moving vehicles.
 - C. If feasible and if to do so would not increase the danger to the officer or others, a verbal warning to submit to the authority of the officer shall be given prior to the use of deadly force.
 - D. Warning shots are not permitted outside of the prison context.
 - E. Officers will be trained in alternative methods and tactics for handling resisting subjects which must be used when the use of deadly force is not authorized by this policy.

NOTE: There is a Part 2 (CUSTODIAL SITUATIONS) to the new Deadly Force Policy which deals specifically with custodial/correctional situations. As this is not normally a planning consideration for most FBI operations, it is not included in this Operations Plan format. If your operation contains a custodial/corrections nexus, Agents are to refer to the CUSTODIAL SITUATIONS section of the DOJ Deadly Force Policy.

2. Task Force Officers/Agents from non Department of Justice agencies will follow their own agency's Deadly Force Policy.

D

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05/06/2010

SIGNED SWORN STATEMENT

I, SA Christopher [REDACTED], hereby make the following voluntary statement, having been sworn by Inspector Kenneth L. Moore and Assistant Inspector-in-Place (AIIP) Jane Rhodes-Wolfe, who I know to be employees of the Federal Bureau of Investigation (FBI).

I have been advised this is an inquiry concerning the shooting incident which occurred on October 28, 2009, at 5171 Miller Road, Dearborn, Michigan.

I have read and signed a document entitled, "Warning and Assurance to Employee Requested To Provide Information Following A Shooting Incident."

My attorney Larry Berger, Barry Kowalski of the Department of Justice, and Detective Michael Sabo of the Dearborn Police Department were also present during the interview. Inspector Moore advised me I could stop the interview at any time to meet with Mr. Berger alone.

I entered on duty as a Special Agent of the FBI on March 6, 2005. I was assigned to the Detroit Field Office after completing New Agents Training at Quantico, Virginia. At the time of the shooting I was assigned to Squad C-16 where I was responsible for investigating cyber crimes and child pornography matters. I have been a member of the Detroit Special Weapons and Tactics Team (SWAT), Blue Team, since June 2009. I am also a firearms and defensive tactics instructor.

On the day of the operation, October 28, 2009, I carried my FBI-issued Glock 22 and Colt M-4. I was wearing my SWAT-issued ballistic vest with issued FBI identification placards on both the front and back, handcuffs, helmet, eye protection, and other tactical gear. My

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communication gear consisted of an issued portable radio and headset.

I became aware of the planned arrest following notification from a member of Detroit SWAT with plans for training designated specifically for the arrest. I believe SA Nikolopoulos emailed or texted that information to the SWAT team approximately a week before the training. About a week before the planned arrest I attended SWAT training at the warehouse located at 5171 Miller Road, Dearborn, Michigan. The training involved rehearsing potential arrest scenarios and contingencies. We received briefings regarding the investigation and background of the subjects. I learned the subjects were known to carry guns and other weapons, had made threats to law enforcement, were possibly involved in a police shooting, trained in martial arts, and at least one possibly wore a ballistic vest. The FBI Deadly Force Policy was also discussed and briefed at the training.

I attended an additional training session on Monday, October 26, 2009. The training was held at the warehouse and included personnel from the FBI's Hostage Rescue Team (HRT). HRT supplied additional personnel and equipment to the arrest team. The concept of the operation was to have the arrest team concealed in rooms on the first floor, while sniper-observer teams and other operators would be on the second floor. I clearly understood the overall plan and my assigned role and duties. As a new operator, I was not heavily involved in formulating the tactical plan.

I received a deadly force policy briefing the morning of the operation on Wednesday, October 28, 2009. I believe the deadly force policy was briefed at the rehearsal on Monday, October 26, 2009. We also received instruction from HRT regarding the use of the canine. On that day, guidance was provided that it was not permissible to utilize deadly force to protect the

05/04/2010
life of the dog.

On the morning of the operation, the arrest team staged at an FBI offsite where the operational plan was briefed again. The operations plan was read to the operators. SAC Arena and SSA Tim Waters, Detroit SWAT Coordinator were at the staging area. We reviewed the plan, checked our gear, weapons and communication equipment. We departed the staging area concealed in a truck and were covertly inserted into the warehouse. Once in the warehouse, we conducted additional arrest rehearsals before secreting ourselves in the rooms to await the arrival of the subjects.

I was assigned to stage in the second room from the main entry door to the warehouse. I marked the room with my initials on a diagram. The plan was for the subjects to move a heavy piece of machinery, forcing them to congregate in the center area of the warehouse. The operation would be initiated by diversionary devices to distract the subjects, allowing time for SWAT and HRT to move safely into position. After gaining control of the subjects, operators would call the subjects individually to move to a central area of the warehouse where they would be taken into custody. My role was to provide cover for the arrest teams from the far left sandbag pallet.

After the rehearsals were completed, we moved to the staging room. The people in the room with me included Detroit SWAT members Senior Team Leader SA George Nikolopoulos, SA Jim Willie, SA Matt Allen, SA Chris Hess, SA Casey Carty, HRT operators SA Tom [REDACTED], SA Paul [REDACTED], HRT canine "Freddy," and the HRT master breacher whose name I do not recall. We were able to monitor the movements of the subjects in the warehouse via a CCTV monitor in our staging room. After the subjects were in the pre-determined position, SA Nikolopoulos gave

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the execute order, a diversionary device was detonated, and the team exited the room. I was the third person leaving my staging room and took my position next to SA Carty at the left sandbag pallet.

When I got to the pallet, I could see the subjects running towards the trailer bays. We did not have a specific plan for this contingency. I observed the other operators had moved away from the pallets, and I moved towards the trailer bays and took an open position near a wooden bar. (I have marked my location on the diagram.) There were other operators staged along the bar as well. From my position I could see one subject on the ground near the bar, with his hands outstretched, in compliance with the commands given to him. Inside the trailer I observed a subject, who I later learned to be Luqman Abdullah, on his stomach with his hands under his body. Loud verbal commands were being given from the HRT and SWAT operators to the subjects. The radios were not functioning properly as one of the radio microphones was open. I yelled commands to Abdullah of "let me see your hands" and yelled to the other operators "watch his hands."

From my position at the bar I could see Abdullah in the trailer and one of the subjects on the ground next to the bar. Abdullah was laying on his stomach, with his head towards the left from my position. (I have marked the position of the two subjects on the diagram.) His hands were underneath him and not visible. I brought my weapon up to a ready position, with the safety on, and moved my eyes repeatedly from the subject on the ground to Abdullah. I saw other operators near the left opening of the trailer. I saw the dog run towards the subject and make contact with Abdullah's body. After that, Abdullah turned over and changed positions at which time I observed a gun in Abdullah's right hand. The gun was pointed in the direction of the

05/04/2010
operators to the left of the trailer from my position. I believed Abdullah intended to shoot the operators. I raised my weapon, and turned the safety from "off" to "semi-automatic." I used the red dot sight on my gun and obtained a sight picture on Abdullah.

At this time, Abdullah had the gun extended in his right hand, and the dog was positioned on his upper torso area, leaving me with a limited target area, so I focused on his left hip area and fired my weapon. I do not recall hearing any shots being fired before I fired mine. However, I do recall hearing other shots at the time I was shooting. I do not know if Abdullah fired his weapon. After firing what I believed to be one shot, I immediately reassessed the situation. At this time, numerous operators had moved in front of me, thereby obscuring my view of the subject. I continued to monitor potential danger areas to include the subject at my feet. I then saw Freddy, covered with blood, being removed from the trailer area and taken over the bar. One of the operators told me I was responsible for another subject and was told "he's your guy." I moved the subject to an area away from the bar where I searched and guarded him. During this time I glanced into the trailer area where I saw an operator handcuff Abdullah. I could not identify who the operator was. The operator turned Abdullah over very quickly to handcuff him safely. At this time all the subjects were not fully secured.

After the subjects were secured, SWAT Blue Team Leader SA Carty asked me if I had fired my weapon. I advised I had. A few moments later I was relieved of guarding the subject and moved to another area with other operators who had discharged their weapon. At the time I believed there were only three individuals who had discharged their weapons, SSA [REDACTED], SA [REDACTED] and myself. I learned at a later time SA [REDACTED] had also fired his weapon. We were told not to discuss the shooting with each other and to wait for a ride to the office. A few minutes

05/06/2010
[redacted]
later SSA Andy Bartnowak drove me to my car at the off-site and then SSA [redacted] SA [redacted] and I went to the FBI Detroit main office.

I was advised by Inspector Moore ballistics tests determined my M4 had been fired twice. I do not recall firing my weapon the second time, but believe it was possible. I do not know how many rounds were in the magazine in my Colt M4 on the day of the arrest.

I reviewed an autopsy photograph of Abdullah's face. I am not aware how any of the injuries or marks on Abdullah's face were made. After I fired my weapon, I did not come in contact with his body or observe any SWAT or HRT operator do anything to his body to cause such injuries. In reviewing the photograph, I believe it may be possible Abdullah's mouth may have hit the floor of the trailer when he was turned over for handcuffing, which may have resulted in the dental device falling out.

Based upon a review of diagrams of the warehouse, I have indicated where I was positioned and the locations of some colleagues, the subjects, and some objects. I have signed and dated the diagram and have attached it to my statement.


05/06/2010


6/05/2010

I have read this statement consisting of seven pages, and it is true and correct to the best of my recollection.


Christopher
Special Agent

Sworn and subscribed before me this 6th day of May 2010, in Detroit, Michigan.


Jane Rhodes-Wolfe
Assistant Inspector in Place


Kenneth L. Moore
Inspector

11/5/10

SIGNED SWORN STATEMENT

I, SA Paul [REDACTED] hereby make the following voluntary statement having been sworn by Assistant Inspectors in Place (AIP) Jane Rhodes-Wolfe and SSA Lisa R. Gentilcore, who I know to be Supervisory Special Agents (SSAs) of the Federal Bureau of Investigation (FBI).

I have been advised this is an inquiry concerning the shooting and use of force incident which occurred on October 28, 2009 at 5171 Miller Road, Dearborn, Michigan.

I have read and signed a document entitled, "Warning and Assurance to Employee Requested To Provide Information Following A Shooting Incident."

My attorney Larry Berger, Inspector Kenneth L. Moore, Barry Kowalski of the Department of Justice, and Detective Mike Sabo of the Dearborn Police Department were also present during the interview. Inspector Moore advised me I could stop the interview at any time to meet with Mr. Berger alone.

I entered on duty as a Special Agent of the FBI on February 2, 1997. I was assigned to the Columbia Field Office after completing New Agents' Training at Quantico, Virginia. While assigned to the Columbia field Office I was a member of the Special Weapons and Tactics Team (SWAT) for approximately four years. I have been a member of the Hostage Rescue Team (HRT) for approximately seven years and served as one of the canine handlers for approximately one year. I worked with Freddy for approximately one year prior to his death. Although Freddy had been on scene at other HRT operations, October 28, 2009 was the first time I released him or gave him the "bite command."

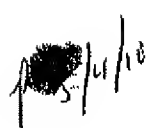
p 3/4/10

I arrived in Detroit a few days before the October 28, 2009 arrest. This was the first time I had any involvement or knowledge of the investigation. On the days leading up to the arrest I attended multiple briefings and planning sessions for the arrest scenario. The briefings included details on the investigation, subjects, subjects' criminal histories, undercover scenarios, general operations plans, and the FBI Deadly Force Policy. I provided instruction on the role of the HRT canine, to include my dog Freddy, and his planned role in the arrest. The guidance I provided to the group followed the FBI Canine Policy. I advised the participants they could not use deadly force solely to defend Freddy. I also instructed them you can shoot to defend yourself, make your shots count, shoot to eliminate the threat, and do not hesitate to shoot if the dog is present.




The briefings were held at a FBI Detroit off-site location. I learned Luqman Abdullah (Luqman) was the main subject of the investigation and to expect a total of five to seven subjects at the warehouse at the time of the arrest. The briefing included information on the likelihood Luqman would be armed with a gun and possibly other weapons. I learned Luqman may carry a gun in a shoulder holster or somewhere beneath his clothing. I anticipated Luqman and the other subjects would be armed on the day of the arrest. The briefings also included information on Luqman's prior statements and threats towards law enforcement.

Following one of the briefings, we traveled via a rental truck to the undercover warehouse to observe the location and run through the possible scenarios. During the rehearsals, we identified potential positions for each HRT operator and SWAT member to establish cover and execute their assignments. Contingencies were discussed regarding the possible actions of the subjects. I was designated as a member of the HRT Assault Team and was responsible for handling the HRT canine

p 3/4/10


Freddy. The Assault Team planned to work together as a team to "come up on line" to effect the arrest and take control of the subjects.

On the morning of Wednesday, October 28, 2009 I was equipped with the following gear: standard green assault uniform; ballistic protection; helmet; radio; FBI/HRT identifying patches (front); an M4; emergency medical gear; steel and flex cuffs; and night vision goggles.

Prior to the arrest I was positioned along with my fellow HRT colleagues SSA Sean , SA Thomas , and SSA Kyle Volwinkel in a room on the first floor of the warehouse. Members of FBI Detroit SWAT were also present in the room. SSA  was the team leader for our group, while Detroit SWAT Team Leader SA George Nikolopoulos maintained overall control of the operation. Other HRT personnel were stationed inside and outside of the building included a canine team and other perimeter security personnel.

We monitored the activity in the warehouse through CCTV in the first floor staging room. Freddy was secured in a cage during this time to help keep him quiet and calm. The other HRT and SWAT operators were in position in other rooms on the first and second floor. The plan called for the subjects to move a heavy piece of equipment, requiring all the subjects to be in one area, in an effort to keep them contained and easy to monitor. HRT and SWAT monitored the subjects through the CCTV and audio feed of a UCE. Once the UCE and the source left the building, the Detroit SWAT TL gave the order to execute the arrest.

Upon receiving the order, HRT operator SSA Vowinkle detonated the diversion devices. The HRT and SWAT members staged in the first floor room exited the room simultaneous to the execute order. I released Freddy from his cage, keeping him under my control, and exited the room, followed

1/5/10


by SSA Vowinkle. He and I were the last to leave the staging area. I then moved towards the pallets located in the warehouse area. Initially, I could not see any of the subjects as they were not in the area where we planned for them to be. I could see HRT and SWAT operators near the pallets utilizing them for a position of cover. We began to move farther into the warehouse and spread out in order to locate the subjects and conduct the arrest. During this time I could hear people calling out "FBI" and other commands identifying themselves as law enforcement. I moved through the warehouse to a position near a wooden bar at which point I could see two subjects on the ground, with their hands over their head. The other HRT and SWAT operators took positions near the subjects and the trailers. Some of the SWAT operators used the bar as cover and concealment.

Luqman was on the floor of one of the tractor trailers, with his hands under his body. I observed Luqman looking at me and other HRT and SWAT operators. His demeanor and actions were different from the other subjects. I believed Luqman was sizing us up, was more "determined" than the others, and was planning to fight back, while the others were compliant and appeared frightened to me. I did not hear Luqman speak or respond to any of the commands.

I could hear SSA [REDACTED] tell Luqman "let me see your hands" while maintaining cover on the other subjects. During this time, I heard SSA [REDACTED] provide at least two to three commands to the subject indicating "let us see your hands or we're going to send the dog in." I maintained control of Freddy during this time by holding his vest. I could hear others providing commands, but I was closest to SSA [REDACTED] and could hear him clearly.

At this time Freddy was off the lead and I was controlling him with my left hand on his vest. After seeing Luqman was not complying, and in coordination with SSA [REDACTED], who told me to send the

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dog, I proceeded to move forward a few steps and I lifted Freddy over one of the subjects on the ground and gave the command to Freddy to address the threat. Freddy went directly towards Luqman, and bit his (Luqman's) left arm. Freddy moved very quickly, and I recall thinking Freddy was behaving exactly the way we had trained. Freddy moved with lightening speed when I released him on Luqman. While Freddy had Luqman's left arm in his mouth, I observed Luqman roll over on his side, with a gun in his right hand. The muzzle of Luqman's gun was directed towards me and the other operators. At this time I recall thinking to myself "shit, gun" and having great fear for my safety and well being, I brought my weapon to firing position, intending to discharge the weapon and stop the threat.

I utilized the dot site of my M4 and directed it towards Luqman's center of mass, and fired my weapon multiple times. Luqman fired one shot at Freddy as I fired my M4. As I fired, Luqman fired twice more into Freddy's chest. My weapon was in the semi-automatic setting at the time of the shooting. I do not recall the exact number of rounds I fired. I fired my weapon until I believed the threat was eliminated and Luqman did not pose any danger to me or my colleagues.

After Freddy was shot, I observed him (Freddy) back away from Luqman. I observed Luqman move his upper body to a more upright position. When the shooting stopped, Luqman didn't have any fight left, was expressionless and appeared dead. The last image I recall of Luqman was him falling backwards. I can not recall if he fell all the way to the ground, or if he slumped onto something. My line of sight was limited as I could not see his legs from my vantage point.

I retrieved Freddy from the trailer and moved him back towards the bar area. I removed Freddy's vest and proceeded to provide first aid. As my focus and attention was on Freddy, and my back was to the trailer, I did not see Luqman's body again or know what happened after the shooting.

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As is standard operating procedure, a HRT helicopter was in the air a few miles out and landed at the warehouse within a few minutes. The helicopter contained additional equipment. HRT also utilizes a "mobile ambulance" while on deployments to carry emergency medical equipment. The emergency response materials were used to treat Freddy at the scene. Medical Officer Mike McNair responded and helped in providing assistance to Freddy.

I reviewed an autopsy photograph of Luqman's face. I do not know what caused the marks and abrasions on Luqman's face. However, I believe it may be possible the injury was caused by the slide on Luqman's pistol. When I observed Luqman holding the gun, it was very close to his face. The force of the movement of the slide may have impacted Luqman's face, knocking out his teeth and causing the lacerations. I did not see anyone cause injuries to Luqman's face.

Following the shooting HRT SA Stan Wadas took his canine, Booger, into the warehouse. SA Wadas told me Booger was not interested in Luqman and did not go near the body.

Freddy was used in an effort to avoid the use of deadly force. It is one of the tools HRT uses in planning and executing their operations to maximize agent and subject safety.

Based upon a review of diagrams of the warehouse, I have indicated where I was positioned, the locations of my colleagues, Freddy, and the subjects. I have initialed and marked the diagram and have attached it to my statement. The markings are approximate and reflect my best recollection of the locations.

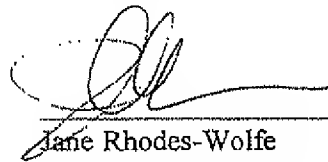
1/5/10


1/5/10

I have read this statement consisting of 7 pages, and it is true and correct to the best of my recollection.


Paul 
Special Agent

Sworn and subscribed before me this 4th day of May, 2010, in Quantico, Virginia.


Jane Rhodes-Wolfe
Assistant Inspector in Place


Lisa R. Gentile
Assistant Inspector in Place

SIGNED SWORN STATEMENT

5/4/10
I, SA Thomas [REDACTED] hereby make the following voluntary statement having been sworn by Assistant Inspector-in-Place (AIIP) Jane Rhodes-Wolfe and AIIP Lisa R. Gentilcore, who I know to be Supervisory Special Agents of the Federal Bureau of Investigation (FBI). I hereby make the following voluntary statement.

I have been advised this is an inquiry concerning the shooting and use of force incident which occurred on October 28, 2009, at 5171 Miller Road, Dearborn, Michigan.

I have read and signed a document entitled, "Warning and Assurance to Employee Requested To Provide Information Following A Shooting Incident."

My attorney Larry Berger, Inspector Kenneth L. Moore, Barry Kowalski of the Department of Justice, and Detective Anne Kanitra of the Dearborn Police Department were also present during the interview. Inspector Moore advised me I could stop the interview at any time to meet with Mr. Berger alone.

I entered on duty as a Special Agent of the FBI on February 6, 2005. I was assigned to the Washington Field Office after completing New Agents Training at Quantico, Virginia. While assigned to the Washington Field Office, I was a member of the Special Weapons and Tactics Team (SWAT) for just under two years. I have been a member of the Hostage Rescue (HRT) team for approximately two years and three months.

I was informed by my team leader, SSA Sean [REDACTED], he was tasked to look at the Detroit SWAT operations plan for an investigation involving Interstate Transportation of Stolen Property

5/4/10
[REDACTED] (ITSP) and various firearms violations. I was then notified our team, to include two snipers, two K-9 teams, and a medic, would be assisting Detroit SWAT with the arrests of the subjects involved in that investigation. The arrests were scheduled for Wednesday, October 28, 2009. My team arrived in Detroit a couple of days prior, following an assignment in Los Angeles. I was informed HRT would be supporting Detroit SWAT during this operation. On the night I arrived in Detroit, I received a briefing about the operation. The following day, we rehearsed the operation approximately six to ten times at the warehouse with members of Detroit SWAT. During this time the HRT snipers built a "hide" to maintain a visual on the undercover employee (UCE). I attended a large scale briefing at the staging area during which the details of the investigation, the subjects, the subjects' criminal histories, the undercover scenario, and the general operations plans were discussed. This was the first time I had any involvement or knowledge of the investigation.

During the rehearsals we identified the best positions for each HRT operator and SWAT member to establish cover and execute their assignments. Contingencies were discussed regarding the possible actions of the subjects. During the briefing, we were told the main subject (Luqman Abdullah) was the head of the group, was always armed, and was willing to fight with law enforcement. As recently as the day before the briefing, Abdullah told the source, if he was confronted by law enforcement, he would shoot them. One of the other subjects was known to occasionally carry a gun and the remainder occasionally carried knives.

The FBI deadly force policy was reviewed and discussed at the rehearsals and again at the group briefing (approximately three times prior to the execution of the arrest). In addition, SA Paul [REDACTED] briefed and reviewed the K-9 policy to everyone involved in the arrest. I briefed Detroit SWAT

5/4/10
to ensure they would not focus on the dog and maintain their visual field. SA [REDACTED] also said that use of deadly force is not appropriate to defend the life of the dog, and that the presence of the dog should not interfere with a shooter's need to stop a threat. I had trained extensively with SA [REDACTED] and the K-9, Freddy, prior to this operation. In particular, I had trained to assist SA [REDACTED] in pulling Freddy off the target once he was given the command to bite.

On the morning of Wednesday, October 28th, 2009, I was equipped with the following gear: standard green assault uniform; ballistic protection; helmet; FBI identifying patches (front and rear); M-4; Glock 22 (serial# DNT585US); and night vision goggles. My M-4 weapon (serial# W034704) was loaded with .223 caliber, bureau issued ammunition. My colleagues were outfitted in a similar manner. We arrived at the location several hours early and again rehearsed the execution of the arrest. We were not rushed and had time to rehearse the scenario several times.

We stopped rehearsing two hours early and I pre-positioned in the room designated with the letter "A" on the diagram. I was in the room with SSA Sean [REDACTED] SA Paul [REDACTED], Freddy, and approximately eight Detroit SWAT operators. One of the Detroit SWAT operators was Christopher [REDACTED]. The plan was for the subjects to attempt to move a piece of heavy equipment during which time the UCE would leave the building, a diversionary device would be detonated, and the arrest executed in the center of the warehouse. When Senior SWAT Team Leader George Nikolopolous gave the order to execute the arrest, we exited the room labeled "A" and took up a position behind the sand bag pallets. The Detroit SWAT operators kneeled behind the sand bags and SSA [REDACTED] SA [REDACTED], Freddy, and I were standing between them. The subjects had been able to move the heavy piece of equipment farther than anticipated and were around the corner from our position, out of my

5/4/10
line of sight. SSA [REDACTED] myself, and SA [REDACTED] with Freddy, quickly moved forward together to the subjects' location.

The subjects' appeared to be trying to flee; one subject tried to exit the side door of the warehouse, one or more subjects tried to fit through the gap between the warehouse and the parked trailers. As I moved up and saw the subjects, I yelled, "FBI. Show me your hands. Get on the ground." Four of the five subjects immediately complied. The fifth subject, Abdullah, was running and came to a stop in the trailer. He did not show me his hands and turned his body exposing his left side only. I had direct eye contact with Abdullah and continued to give him commands to show me his hands. I saw his right elbow come up as if he was removing something from his robes. Abdullah then went down on one knee and continued to go down to the floor of the trailer with his hands under him. I thought, "This is not good" as Abdullah did not show me his hands. I continued to give him commands to show me his hands. I felt as if I was having a one way conversation with him, since he failed to respond to any of my commands. I feared for my safety and the safety of the team.

At this point, SSA [REDACTED] took control of the situation. As SSA [REDACTED] moved past me I said, "Watch him, he is not complying." SSA [REDACTED] then gave the command, "If you don't comply, we'll release the dog." SSA [REDACTED] SA [REDACTED] and Freddy moved to a position on my right. When SSA [REDACTED] gave SA [REDACTED] the signal to release Freddy, SA [REDACTED] lifted Freddy over the compliant subjects who were on the ground. As Freddy was released, I moved forward from a position of cover behind a metal structure into the open, as I realized SSA [REDACTED] was in my line of sight.

Almost simultaneously, Freddy bit Abdullah, Abdullah rolled over to his side, and I saw Abdullah with a handgun. I can not recall the exact location where Freddy bit Abdullah. Abdullah

7/4/10
pointed his gun in the direction of where I last observed SA [REDACTED] to be and fired. I believed he was firing at SA [REDACTED]. I then returned fire. I do not recall the exact number of times I discharged my weapon. Abdullah fell backward and came to a final resting position on his back. I did not believe any of my rounds missed Abdullah and, when I finished shooting, I thought he was dead. I believe I fired at his mid-section. I then turned my attention to the subject on the floor to my left. Two Detroit SWAT operators provided cover while I handcuffed the subject. I asked the subject if he had any weapons and he informed me he had a folding knife in his pocket. I performed a high risk search of the subject and removed his knife. The subject did not make any statements. The Detroit SWAT operators moved this subject to the rear of the warehouse. SSA [REDACTED] called two Detroit SWAT operators to handcuff and conduct a high risk search of Abdullah. I observed the Detroit SWAT operators gently roll Abdullah and flex-cuff him behind his back. They then conducted a high risk search. All of their activities were done in an appropriate manner. I asked SSA [REDACTED] if he needed any assistance and he informed me he did not.

Upon reflection, I realized Freddy had released his bite of Abdullah, which was unusual. Freddy was biting the air after he released his bite of Abdullah.

I then saw SA [REDACTED] and SSA Lance Kepple working on Freddy. However, I realized the teams had moved passed three rooms which had yet to be cleared. I cleared two or three of these rooms, marked "C", "D", and "E", on the diagram, with two Detroit SWAT operators.

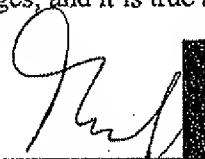

I reviewed an autopsy photograph of Abdullah's face. I do not know what caused the marks and abrasions on Abdullah's face.

Based upon a review of a diagram of the warehouse, I have indicated where I was initially


5/4/10


positioned and the location to which I moved. I have initialed and marked the diagram and it is attached to my statement. The markings are approximate and reflect my best recollection of the locations.

I have read this statement consisting of six pages, and it is true and correct to the best of my recollection.


Thomas 
Special Agent

Sworn and subscribed before me this 4th day of May 2010, in Quantico, Virginia.


Jane Rhodes-Wolfe
Assistant Inspector in Place


Lisa R. Gentilecore
Assistant Inspector in Place



JUN-08-2010 14:30

P.01/06



FBI FACSIMILE

COVER SHEET

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Received Time: Jun. 8, 2010 3:28PM No. 5361

SIGNED SWORN STATEMENT

I, SSA Sean [REDACTED] hereby make the following voluntary statement having been sworn by SA James Pinette, who I know to be an employee of the Federal Bureau of Investigation (FBI).

I have been advised this is an inquiry concerning the shooting incident which occurred on October 28, 2009, at 5171 Miller Road, Dearborn, Michigan.

I participated in a telephonic interview on Tuesday, May 3, 2010 with Inspector Kenneth L. Moore and SSA Jane Rhodes-Wolfe. Inspector Moore advised me of the nature and conditions of the interview. My attorney, Larry Berger and Barry Kowalski of the Department of Justice also participated in the interview.

I entered on duty as a Special Agent of the FBI on August 16, 1996. I was assigned to the Washington Field Office after completing New Agent's Training at Quantico, Virginia. I have been a member of the Hostage Rescue Team (HRT) for approximately ten years.

In October 2009, I was tasked to look at the Detroit SWAT operations plan for an investigation involving Interstate Transportation of Stolen Property (ITSP) violations, various firearms violations, and a planned arrest at an FBI controlled warehouse. I traveled to Detroit with two HRT SSAs, as an advance team, to review the Detroit plan and provide suggestions or recommendations to enhance the safety of all the parties involved.

After reviewing the plan, I recommended Detroit utilize certain HRT resources and techniques to include: canine, assault team members, enhanced diversionary devices, a sniper over-watch position, and advanced medical personnel and resources. The HRT enhancements to the plan were merged into the existing Detroit SWAT operations order

and presented to Detroit SAC Andrew Arena for final approval. The plan was approved by the SAC and final details were coordinated between HRT and Detroit SWAT.

In anticipation of the arrests, I attended and participated in at least three briefings prior to the mission. The briefings were held at the FBI Detroit main office, an off-site location and at a hotel conference room. Detroit SWAT Team Leader SA George Nikolopolous briefed the entire operations order, including the deadly force policy. The briefings included guidance to HRT and SWAT Operators on appropriate contact with the canine and the tactics utilized.

All arrest team members were advised that deadly force could not be used to defend the life of the dog. The operations order included the assignments and duties for each member of the arrest team. HRT and SWAT Operators rehearsed and discussed approximately twenty contingency scenarios at the arrest site. Detroit SWAT Team Leader Nikolopolous and I conducted the rehearsals and led the training.

On the day of the arrest, there was a final briefing at an off-site location after which all HRT and SWAT Operators were transported to the warehouse in a box truck and inserted into the warehouse. The Operators conducted three final rehearsals at the warehouse and notified the UCE that we were ready. We then took our pre-established positions of cover and waited for SA Nikolopolous to give the execute order. I was positioned in a room on the first floor with SSA Kyle Vowinkel, SA Tom [REDACTED], SA Paul [REDACTED] (canine handler) and HRT canine Freddy. There were also eight or nine Detroit SWAT Operators in the room with us. I was at the back of the line in the staging room as we waited for further instructions and monitored the warehouse activity via a CCTV monitor. I could see the UCE leave the warehouse and the locations of the five subjects. Shortly

thereafter, SA Nikolopolous gave the command to execute the arrest plan. The explosive diversionary devices were detonated at which time the arrest teams exited the room.

Detroit SWAT moved first and the other HRT Operators and myself were the last to leave the room. HRT and Detroit SWAT established an L formation near the pallets in the warehouse and on the second story. The subjects were located in the far right corner of the warehouse, hidden from our initial view. I knew that the subjects were near the two garage doors in the corner of the warehouse from the CCTV. HRT Operators Vowinkel, [REDACTED], canine Freddy and I moved as a group towards the subjects.

I could see some subjects on the ground outside of the tractor trailers, and one inside the right trailer. At the time of the shooting I did not know which subject was in the trailer. Subsequently, I learned the subject in the trailer was Luqman Abdullah. During this time I told the subjects, "FBI, get down, show me your hands." Other Operators were giving similar instructions to the subjects. I moved to the far corner of the warehouse and cleared the far trailer. I could not see the hands of one of the subjects behind a pallet of television sets, between the two trailers. Once I observed this subject's hands I called for SWAT Operators to cover the subject. I then moved towards the tractor trailer where Abdullah was located. I could see that four of the five subjects were compliant, and that Abdullah would not show his hands. Abdullah, with his hands hidden under his chest, was the last danger area that needed to be cleared, because the failure of Abdullah to show his hands after numerous warnings from SWAT operators to do so posed a threat to SWAT team safety. I repeatedly told the subject, "FBI, show us your hands." I also told him, "Show us your hands or we'll release the dog." The subject did not comply with my commands and remained on his stomach with his hands underneath him, looking directly toward me and other Operators. I placed my red laser light on the subject and could see

other laser lights on him as well. I called for the canine team to move forward toward the trailer. SA [REDACTED] and I approached together. SA [REDACTED] lifted Freddy over one of the compliant subjects who was laying on the ground and released Freddy towards Abdullah. As Freddy made contact with Abdullah, Abdullah turned very quickly onto his side; Abdullah pointed a gun in my direction. At this point I feared for my life and the lives of the other members of the arrest team. When I saw the gun, Abdullah began shooting at which time I fired my H.K. 416. I believed Abdullah fired three rounds. I fired my weapon until I believed Abdullah did not pose any threat to me or others. I do not recall the number of rounds I fired. At the time I fired, my weapon was in the semi-automatic setting. I fired center mass of the subject. Abdullah rolled over onto his back during the exchange of gunfire.

After the shooting was over, I moved into the tractor trailer and signaled for a Detroit SWAT Operator to help me secure Abdullah. Abdullah's gun, a Glock, was on the floor near his hand. I used my foot to move the gun away from Abdullah. The SWAT Operator rolled Abdullah over onto his stomach in order to handcuff him. After Abdullah was handcuffed, I left the trailer area to ensure the other subjects were secured and the crime scene preserved. I directed Detroit SWAT to perform a secondary search of the entire warehouse to ensure that there were no other danger areas or threats. I directed them to move the subjects to another portion of the warehouse for searching and then called for the subjects to be transported out of the warehouse. During the operation radio contact was limited as one of the SWAT Operators had inadvertently placed their radio in the voice activated mode, resulting in diminished radio communications. Given the limited radio coverage, I spoke

JUN-08-2010 14:31

with Detroit SWAT TL Nikolopoulos to advise him to contact the command post and provide a situation report and to include the following information: shots were fired, subject "down hard", Freddy was shot and required medical attention, and all other Operators were safe. I also advised him that we needed to secure the crime scene. I made contact with my Unit Chief David Shellenberger to provide an update.


While I was in the trailer following the shooting, I did not observe any sign of life or movement from Abdullah. I noticed that his bladder had emptied. Based upon my twenty years of law enforcement experience, I recognized this as an indication of significant physical injury or death. I also noticed that Abdullah was bleeding in his mouth and thought that an Operator had shot him in the face during the shooting.

I do not know what caused the marks and abrasion on Abdullah's face. However, I believe it may be possible the injury was caused by the slide on Abdullah's pistol.

When I observed Abdullah holding the gun, it was very close to his face. The force of the movement of the slide may have impacted Abdullah's face, knocking out his teeth and causing the lacerations. I did not see anyone cause injuries to Abdullah or handle the body in a disrespectful manner.

I have read this statement consisting of five pages and it is true and correct to the best of my recollection.


Sean 
Supervisory Special Agent


SA James Pincus
Sworn and subscribed before me on June 2, 2010, Baghdad, Iraq

Received Time: Jun. 8. 2010 3:28PM No. 5361

TOTAL P.06

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**OFFICE of the WAYNE COUNTY MEDICAL EXAMINER**1300 East Warren Avenue
Detroit, MI 48207**POST MORTEM REPORT**M.E. CASE NUMBER
09-10481
COUNTY OF DEATH
WAYNE
TOWN OF DEATH
DEARBORN
DATE PRONOUNCED DEAD
Oct 28, 2009

THIS IS TO CERTIFY THAT	PERFORMED A POSTMORTEM EXAMINATION ON THE BODY
John Bechinski, D.O., Assistant Medical Examiner	ABDULLAH, LUQMAN AMEEN
AT	ON
Wayne County Medical Examiner's Office	Oct 29, 2009

SUMMARY & OPINION

It is my opinion that death was caused by multiple gunshot wounds (21).

They were distributed on the chest (2), abdomen (4), left inguinal region (1), left hip and flank (4), left thigh (7), scrotum (1), right inguinal region (1), and back (1).

GUNSHOT WOUND #1:

There was a gunshot wound on the upper right chest. The bullet passed through the chest soft tissue, grazed the right clavicle, and passed into the soft tissue of the right base of the neck. The wound track was from front to back, slightly right to left and upward. A deformed bullet jacket was recovered from the end of the wound track.

GUNSHOT WOUND #2:

There was a gunshot wound on the upper right chest. The bullet passed through the chest soft tissue, front right rib cage, perforated the right lung, passed through the thoracic inlet and into the soft tissue of the right base of the neck. The wound track was from front to back, slightly right to left and upward. A well-preserved jacketed bullet was recovered from the end of the wound track.

GUNSHOT WOUND #3:

There was a gunshot wound on the upper abdomen with adjacent discontinuous abrasions above and below it. The bullet passed through the abdominal soft tissue, liver, perforated the stomach and left kidney, and came to rest in the soft tissue of the back left rib cage. The wound track was from front to back, right to left, and downward. A deformed bullet jacket was recovered from the end of the wound track.

GUNSHOT WOUND #4:

There was a gunshot wound on the left mid-back. The bullet passed through the back soft tissue and back left rib cage, and passed into the left lung. The wound track was from back to front, slightly left to right and sharply upward. A deformed bullet jacket was recovered from the end of the wound track.

GUNSHOT WOUND #5:

There was a gunshot wound on the upper left abdomen. The bullet passed through the abdominal soft tissues, omentum, perforated the transverse colon, pulpified the liver, perforated the right hemidiaphragm and right lung, and passed through the back right rib cage and into the soft tissues of the upper right back. The wound track was from front to back, left to right and upward. A deformed jacketed bullet was recovered from the end of the wound track.

GUNSHOT WOUND #6:

There was a gunshot wound on the umbilicus. The bullet passed through the abdominal soft tissue, omentum, multiple loops of small intestine, mesentery, left hemidiaphragm, and into the left chest cavity. The wound track was from front to back, right to left and upward. A deformed bullet jacket was recovered from the end of the wound track.

GUNSHOT WOUND #7:

There was a gunshot wound on the lower left abdomen. The bullet passed through the abdominal soft tissue, omentum, multiple loops of small intestine, mesentery, pulpified the liver, perforated the right lung, passed through the side and back of the right rib cage and into the soft tissue of the side and back of the right chest. The wound track was from front to back, left to right and upward. A deformed jacketed bullet was recovered from the end of the wound track.

GUNSHOT WOUND #8:

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WAYNE

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DEARBORN

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There was a gunshot wound on the left groin. The bullet passed through the groin, omentum and mesentery, perforated multiple loops of small intestine, tore the right kidney, pulpified the right adrenal gland, and ended in the liver. The wound track was from front to back, left to right and upward. A deformed bullet jacket was recovered from the end of the wound track and a bullet fragment was recovered from the mesentery.

GUNSHOT WOUNDS #9, #10, AND #11:

There was a cluster of 3 gunshot wounds on the left flank and left hip. The bullets passed through the left pelvic bone, fractured it, perforated multiple loops of small intestine and descending colon, mesentery and pancreas, pulpified the spleen and the left kidney, perforated the abdominal aorta, pulpified the liver, passed through the diaphragm, perforated the pericardium, heart, and the right lung, side and back of the right rib cage and ended in the soft tissue of the right chest. The wound tracks were from slightly front to back, left to right and upward. Two deformed jacketed bullets and one deformed bullet jacket and bullet fragment were recovered from the end of the wound tracks.

GUNSHOT WOUND #12: ✓

There was a through and through gunshot wound on the left hip. The bullet passed through the hip soft tissue, fractured the left pelvic bone, traversed the groin soft tissue, and exited on the left groin. The wound track was from back to front, left to right and downward.

GUNSHOT WOUNDS #13, #14, #15, #16, #17 AND #18:

This was a cluster of 6 gunshot wounds on the left thigh. The bullets passed through the thigh and pelvic soft tissue, fractured pelvic bones, perforated the right and left common iliac artery and vein, rectum, bladder, multiple loops of small intestine, and ended in the soft tissue of the left hip, pelvis, low back, and the spine. The wound tracks were from front to back, left to right and upward. A deformed bullet jacket was recovered from the abdomen, spine, pelvis, and left hip soft tissue, a bullet fragment was recovered from the left hip soft tissue, and 2 deformed bullet jackets were recovered from the left lower back soft tissue.

GUNSHOT WOUND #19: ✓

There was a through and through gunshot wound on the left inner mid-thigh. The bullet passed through the thigh soft tissue, the femur (with a resultant palpable fracture), and exited on the lower front left thigh. The wound track was from slightly back to front, right to left and slightly downward.

GUNSHOT WOUND #20:

There was a through and through gunshot wound on the front and left side of the scrotum. The bullet passed through the scrotal soft tissue, perforated the right testicle, and exited on the right side of the scrotum. The wound track was from front to back, left to right and slightly upward.

GUNSHOT WOUND #21:

There was an irregularly contoured gunshot wound on the right groin. The bullet passed through the soft tissues of the pelvis, where it came to rest, and from where a deformed bullet jacket was recovered. The wound track was from front to back, slightly left to right and upward.

It is likely that GSW #21 is a continuation of GSW #20.

There were many tiny, unrecoverable, metallic fragments, especially in the pelvis, which indicates extensive fragmentation of the projectiles.

There was no soot or gunpowder stippling on the skin around any of the entrance wounds.

The wounds are numbered for descriptive purposes only and do not attempt to depict the sequence in which the wounds occurred.

A deformed bullet jacket was recovered from the black and white strip of cloth.

There were an estimated 1500 ml of blood in the chest as a result of injury to intrathoracic organs.

(Printed Monday, November 30, 2009 1:59:11 PM)

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WAYNE

TOWN OF DEATH

DEARBORN

DATE PRONOUNCED DEAD

Oct 26, 2009

Additional injuries consisted of an abrasion on the middle of the forehead, right forehead, inner left brow, left upper eyelid, left upper cheek under the eye, left cheek beside the eye, and on the lower right lip. There was a cluster of 7 lacerations on the left lower jaw. Two lacerations were present on the left angle of the mouth. There was a laceration on the lateral upper right lip and buccal mucosa of the lateral lower right lip. There was a fracture of the front of the maxilla.

There was a superficial avulsion on the right index finger and a laceration on the base of the right middle finger. Four lacerations were on the palm of the left hand. Six abrasions were on the left elbow and back left arm, six abrasions were on the inner left arm and front forearm, and two abrasions were on the back left forearm.

The manner of death is homicide.

printed by: cl

John Bachinski, D.O., Assistant Medical Examiner

Oct 29, 2009

Carl J. (Schmidt) M.D., M.P.H.,
Chief Medical Examiner

(report continues on next page)



OFFICE of the WAYNE COUNTY MEDICAL EXAMINER

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Detroit, MI 48207

POST MORTEM REPORT

M.E. CASE NUMBER
09-10481
COUNTY OF DEATH
WAYNE
TOWN OF DEATH
DEARBORN
DATE PRONOUNCED DEAD
Oct 28, 2009

Cause of Death:

MULTIPLE GUNSHOT WOUNDS

Other Significant Conditions:

Manner of Death:

Homicide

NARRATIVE SUMMARY

POSTMORTEM EXAMINATION:

Case Number: 10481 - 09
Name: Luqman Abdullah
Date of Pronounced Death: October 28, 2009
Date of Postmortem Examination: October 29, 2009

EXTERNAL EXAMINATION:

The body was that of a well developed black male appearing about the recorded age of 53 years. The body measured 5 feet 7 inches in length and weighed approximately 174 pounds. The body was cool, rigor mortis was fully developed, and livor mortis was present posteriorly, barely visible and partially fixed. Clothing consisted of 2 white/dark green/maroon shoes, 2 white socks, blue jeans with a black belt, a gray t-shirt, black shirt, a blue denim jacket, black cap, and a black and white strip of cloth. The head was normocephalic and the scalp hair was black and shaved. There was a black beard and mustache. The eyes had white sclerae, pale conjunctivae, and brown irides. The dentition was natural and the upper central incisors were absent. No lesions of the oral mucosa were identified. There were no masses discernable in the neck and the larynx was in the midline. The thorax was symmetrical and the abdomen was flat. The external genitalia were those of a normal adult uncircumcised male. The extremities and back showed no significant deformities. Scars were present on the left hip, right inguinal region, proximal posteromedial right thigh, right knee, left elbow, dorsal left forearm, lower right back, and left buttock.

A tooth fragment and part of a fractured dental accessory were received with the body.

EVIDENCE OF INJURY

GUNSHOT WOUNDS:

There were multiple gunshot wounds (21). These were distributed on the chest (2), abdomen (4), left inguinal region (1), left hip and flank (4), left thigh (7), scrotum (1), right inguinal region (1), and back (1). A deformed bullet jacket was recovered from the black and white strip of cloth. There were an estimated 1500 ml of blood in the chest cavity as a result of injury to intrathoracic organs.

GUNSHOT WOUND #1:

There was a gunshot wound on the upper right chest, 12 inches below the top of the head and 2 1/4 inches right of the



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midline. The bullet proceeded from this injury through the chest soft tissues, grazed the right mid-clavicle, and passed into the soft tissue of the lateral right base of the neck. The wound track was from front to back, slightly right to left and upward. A deformed bullet jacket was recovered from the end of the wound track.

GUNSHOT WOUND #2:

There was a gunshot wound on the upper right chest, 14 1/2 inches below the top of the head and 2 1/4 inches right of the midline. The bullet proceeded from this injury through the chest soft tissue, anterior right 2nd intercostal space, perforated the upper lobe of the right lung, passed through the thoracic inlet and into the soft tissue of the posterolateral right base of the neck. The wound track was from front to back, slightly right to left and upward. A well-preserved jacketed bullet was recovered from the end of the wound track.

GUNSHOT WOUND #3:

There was a gunshot wound on the epigastrium, 23 1/2 inches below the top of the head and 1/4 inch right of the midline, with adjacent discontinuous abrasions superior and inferior to the entrance wound that were from 1/4 inch to 3/4 inch in greatest dimension. The bullet proceeded from this injury through the epigastric soft tissue, left lobe of the liver, perforated the stomach and left kidney, and passed into the soft tissue of the posterior left 10th intercostal space. The wound track was from front to back, right to left, and downward. A deformed bullet jacket was recovered from the end of the wound track.

GUNSHOT WOUND #4:

There was a gunshot wound on the lateral left mid-back, 25 inches below the top of the head and 3 1/2 inches left of the midline. The bullet proceeded from this injury through the soft tissues of the back, posterior left 10th intercostal space, lower lobe of the left lung, and into the upper lobe of the left lung. The wound track was from back to front, slightly left to right and sharply upward. A deformed bullet jacket was recovered from the end of the wound track.

GUNSHOT WOUND #5:

There was a gunshot wound on the lateral upper left abdomen, 28 inches below the top of the head and 5 inches left of the midline. The bullet proceeded from this injury through the abdominal soft tissue, omentum, perforated the transverse colon, pulpified the right lobe of the liver, perforated right hemidiaphragm and the lower lobe of the right lung, and passed through the posterior right 4th rib with a resultant fracture and into the soft tissue of the upper right back. The wound track was from front to back, left to right and upward. A deformed jacketed bullet was recovered from the end of the wound track.

GUNSHOT WOUND #6:

There was a gunshot wound on the superior aspect of the umbilicus, 29 inches below the top of the head and on the midline. The bullet proceeded from this injury through the abdominal soft tissue, omentum, multiple loops of small intestine, mesentery, left hemidiaphragm, and into the left pleural cavity. The wound track was from front to back, right to left and upward. A deformed bullet jacket was recovered from the end of the wound track.

GUNSHOT WOUND #7:

There was a gunshot wound on the left lower abdomen, 30 1/2 inches below the top of the head and 1 1/4 inches left of the midline. The bullet proceeded from this injury through the abdominal soft tissue, omentum, multiple loops of small intestine, mesentery, pulpified the right lobe of the liver, perforated the lower lobe of the right lung, passed through the right posterolateral 7th intercostal space and into the soft tissue of the posterolateral right chest. The wound track was from front to back, left to right and upward. A deformed jacketed bullet was recovered from the end of the wound track.

GUNSHOT WOUND #8:



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TOWN OF DEATH

DEARBORN

DATE PRONOUNCED DEAD

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There was a gunshot wound on the left inguinal region, 34 inches below the top of the head and 3 inches left of the midline. The bullet proceeded from this injury through the inguinal soft tissue, omentum and mesentery, perforated multiple loops of small intestine, tore the hilum of the right kidney, pulpified the right adrenal gland, and ended in the right lobe of the liver. The wound track was from front to back, left to right and upward. A deformed bullet jacket was recovered from the end of the wound track and a bullet fragment was recovered from within the mesentery.

GUNSHOT WOUNDS #9, #10, AND #11:

This was a cluster of 3 gunshot wounds on the left flank and left hip, centered 30 inches below the top of the head and on the mid-axillary line. The bullets proceeded from these injuries through the wing of the left ilium (which was fractured), perforated multiple loops of small intestine and descending colon, passed through the mesentery and pancreas, pulpified the spleen and the left kidney, perforated the abdominal aorta, pulpified the right lobe liver, passed through the diaphragm, distal esophagus, pericardium, right and left atria, the lower and middle lobes of the right lung, the lateral-posterior right 6th and 7th intercostal spaces and ended in the soft tissue of the lateral-posterior right chest. The wound tracks were from slightly front to back, left to right and upward. Two deformed jacketed bullets and one deformed bullet jacket and bullet fragment were recovered from the end of the wound tracks.

GUNSHOT WOUND #12:

There was a through and through gunshot wound on the left hip, 32 1/4 inches below the top of the head and on the mid-axillary line. The bullet proceeded from this injury through the soft tissues of the hip, fractured the wing of the left ilium, traversed the inguinal soft tissue, and exited on the left inguinal region, 34 inches above the left heel and 10 inches below the anterior superior iliac spine. The wound track was from back to front, left to right and downward.

GUNSHOT WOUNDS #13, #14, #15, #16, #17 AND #18:

This was a cluster of 6 gunshot wounds on the left thigh, centered 31 inches above the heel and 7 inches below the anterior superior iliac spine. The bullets proceeded from these injuries through the thigh and pelvic soft tissue, fractured the bilateral superior pubic ram and wing of the left ilium, perforated the right and left common iliac artery and vein, rectum, bladder, and multiple loops of small intestine, and ended in the soft tissue of the left hip, pelvis, low back, and the body of the 3rd lumbar vertebrae. The wound tracks were from front to back, left to right and upward. Deformed bullet jackets were recovered from the abdomen, body of the 3rd lumbar vertebra, pelvis, and left hip soft tissue, respectively; a bullet fragment was recovered from the left hip soft tissue, and 2 deformed bullet jackets were recovered from the left lower back soft tissue.

GUNSHOT WOUND #19:

There was a through and through gunshot wound on the medial left mid-thigh, 25 inches above the heel and 13 inches below the anterior superior iliac spine. The bullet proceeded from this injury through the soft tissues of the thigh, fractured the left femur, and exited on the anterior distal left thigh, 24 inches above the heel. The wound track was from slightly back to front, right to left and slightly downward.

GUNSHOT WOUND #20:

There was a through and through gunshot wound on the anterior and left side of the scrotum, 38 inches below the top of the head. The bullet proceeded from this injury through the scrotum, perforated the right testicle, and exited on the right side of the scrotum, 37 inches below the top of the head. The wound track was from front to back, left to right and slightly upward.

GUNSHOT WOUND #21:

There was an irregularly contoured gunshot wound on the right inguinal region, 35 inches below the top of the head. The bullet proceeded from this injury through the soft tissue of the pelvis and ended in the right pelvis. The wound track was from front to back, slightly left to right and upward. A deformed bullet jacket was recovered from the end of



OFFICE of the WAYNE COUNTY MEDICAL EXAMINER

1300 East Warren Avenue
Detroit, MI 48207

POST MORTEM REPORT

M.E. CASE NUMBER

09-10481

COUNTY OF DEATH

WAYNE

TOWN OF DEATH

DEARBORN

DATE PRONOUNCED DEAD

Oct 28, 2009

the wound track.

It is likely that GSW # 21 is a continuation of GSW # 20.

There were many small metallic fragments in the pelvis.

There was no soot or gunpowder stippling on the skin around any of the entrance wounds.

OTHER INJURIES:

Additional injuries consisted of a 1/2 inch diameter abrasion on the glabella, a 1 inch diameter abrasion on the right forehead, a 1/4 inch diameter abrasion on the medial left brow, a 5/16 inch diameter abrasion on the left upper eyelid, a 3/16 inch diameter abrasion on the left superior maxilla, a 3/4 inch diameter abrasion on the left zygoma, and a 3/16 diameter inch abrasion on the lower right lip.

There was a cluster of 7 lacerations on the left mandibular region that were from 3/16 inch to 1/4 inch long. There were two 1/8 inch long lacerations on the left angle of the mouth. There was a 5/16 inch laceration on the lateral upper right lip. There was a 1/8 inch laceration on the buccal mucosa of the lateral lower right lip. There was a fracture of the central anterior maxilla.

There was a 1/8 inch superficial avulsion on the right 2nd dorsal interphalangeal joint. There was a 1/8 inch laceration on the 3rd dorsal metacarpalphalangeal joint. There were four 1/8 inch lacerations on the palm of the left hand.

There were six abrasions on the left elbow and dorsal left arm that were from 1/8 inch to 3/4 inch in greatest dimension. There were six abrasions on the medial left arm and ventral forearm that were from 1/8 inch to 1/4 inch greatest dimension. There were two abrasions on the dorsal left forearm that were 1/8 inch and 3/16 inch in greatest dimension.

INTERNAL EXAMINATION:

An autopsy was performed utilizing the normal thoraco-abdominal and posterior coronal scalp incisions. Except for the above previously described injuries, the following internal systems were as follows:

Head:

No abnormality was noted in the reflected scalp, calvarium, dura, meninges or the base of the skull. The 1325 gm brain was free of neoplastic and other focal lesions, infarcts, and hemorrhages. The cerebral vascular system was unremarkable.

Neck:

No abnormality was noted in the cervical muscles, hyoid bone, laryngeal cartilages, trachea, or the cervical vertebral column.

Cardiovascular System:

The 325 gm heart had a normal configuration with an unremarkable epicardial surface and a moderate amount of epicardial fat. The coronary arteries had no significant atherosclerotic disease. No acute thrombi were present. Both ventricles were of normal size and their walls were of normal thickness. No focal endomyocardial lesions were present. The papillary muscles and chordae tendineae were not thickened, and the heart valves were unremarkable. The aorta had no significant atherosclerosis. The major arteries and great veins showed normal distribution.

Respiratory System:

The larynx and trachea were unremarkable. The right and left lungs weighed 400 gm and 375 gm, respectively. There was passive congestion in the parenchyma accentuated with dependent lividity. No pulmonary emboli were identified.

Hepatobiliary System:

(Printed Monday, November 30, 2009 1:59:11 PM)

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OFFICE of the WAYNE COUNTY MEDICAL EXAMINER

1300 East Warren Avenue
Detroit, MI 48207

POST MORTEM REPORT

M.E. CASE NUMBER

09-10681

COUNTY OF DEATH

WAYNE

TOWN OF DEATH

DEARBORN

DATE PRONOUNCED DEAD

Oct 28, 2009

The 1400 gm liver had firm dark tan surfaces and an unremarkable parenchymal pattern. The gallbladder and biliary tracts were unremarkable.

Hemolymphatics:

The 100 gm spleen had smooth surfaces and dark purple firm pulp. There was no significant lymphadenopathy.

Alimentary System:

The tongue, esophagus, stomach, small bowel, appendix and colon were unremarkable. The lining of the stomach had an intact and unremarkable rugal pattern and the contents of the stomach consisted of a scant amount of tan mucoid material.

Pancreas:

The pancreas showed an unremarkable tan lobulated pattern.

Endocrine System:

The thyroid gland had a normal bilobed configuration. The adrenal glands were each unremarkable with golden-yellow cortices.

Genitourinary System:

The right and left kidneys weighed 125 gm and 125 gm, respectively. Each kidney had smooth cortical surfaces, normal cortico-medullary regions, and no changes in the calyceal systems, pelves, ureters, or bladder.

Musculoskeletal System:

Except for the above noted injuries, all the muscles and axial skeleton were free of any significant abnormalities.

(End of Report)

G

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FORENSIC PATHOLOGY
LEGAL MEDICINE

May 24, 2010

Lena F. Masri, Esquire
Council on American-Islamic Relations
21700 Northwestern Highway -- Suite 1199
Southfield, Michigan 48075

Re: Imam Abdullah Luqman Ameen

Dear Ms. Masri:

Pursuant to your request, I have reviewed all the materials you sent to me pertaining to the death of Imam Abdullah Luqman Ameen.

Based upon my analysis of all these items, I should like to set forth the following opinions, each of which is expressed with a reasonable degree of medical certainty.

1. Imam Abdullah died as a result of multiple gunshot wounds [21 separate shots].
2. As a result of extensive damage to internal organs, including major blood vessels, the victim would have become unconscious within less than a minute after the shots were fired.

During the brief interval preceding his death, he would have been essentially immobilized, except for some possible minimal, limited movements of a semi-conscious, involuntary, spasmodic nature.

3. These multiple wounds produced such extensive damage that there was absolutely no chance for recovery. The internal destruction of organs and tissues was so extensive and severe as to have been incompatible with life.

4. All shots would have been fired from a distance of 18 inches or more.

The absence of any stippling, tattooing, or powder burns indicates that these shots were not contact, loose contact, or close range (i.e., less than 18 inches).

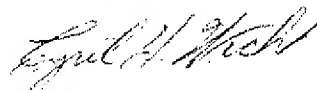
5. Two of the wounds #4 and #12 had a back to front trajectory, and one wound (#19) was slightly back to front.

The victim would have been shot from the rear, or he could have been turning and twisting after being struck by other shots, causing him to be turned around with his back to the shooters.

6. The multiple lacerations on the victim's face and hands, and the fracture of the central anterior maxilla were caused by dog bites. Most probably, or most of the abrasions on the victim's left arm were inflicted by dogs, also, either superficial bites or scratches from their paws.

Given the overall scenario of this fatal encounter, there is no other plausible etiological explanation for all these non-gunshot related injuries.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Cyril H. Wecht".

Cyril H. Wecht, M.D., J.D.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ESTATE OF LUQMAN A. ABDULLAH,
by its personal representative,
MUJAHID CARSWELL,

Plaintiff,

v.

ANDREW G. ARENA, former Special Agent
in Charge, Federal Bureau of Investigation,
Detroit Division, in his individual capacity;

GEORGE NIKOLOPOLOUS, Federal Bureau
of Investigation, Detroit Division, Special
Weapons and Tactics Team Special Agent,
in his individual capacity;

UNIDENTIFIED FBI AGENT NO. 1, Federal
Bureau of Investigation Hostage Rescue
Team Leader, in his individual capacity;

UNIDENTIFIED FBI AGENT NO. 2, Federal
Bureau of Investigation Hostage Rescue
Team K-9 ("Freddy") Handler, in his
individual capacity;

UNIDENTIFIED FBI AGENT NO. 3, Federal
Bureau of Investigation Hostage Rescue
Team K-9 ("Freddy") Cover, in his individual
capacity;

UNIDENTIFIED FBI AGENT NO. 4, Federal
Bureau of Investigation Hostage Rescue
Team, Special Weapons and Tactics Team
Special Agent, in his individual capacity;
jointly and severally;

Defendants.

Case No. 12-CV-14766
Hon. Lawrence P. Zatkoff
Magistrate: Michael Hluchaniuk

AMENDED COMPLAINT

Plaintiff, ESTATE OF LUQMAN AMEEN ABDULLAH, through its personal representative, MUJAHID CARSWELL, and by its undersigned counsel, states as follows:

Parties

1. The decedent, Luqman A. Abdullah (“Abdullah”), was a resident of Wayne County, and was at all times relevant, a citizen of the United States.
2. Mujahid Carswell is Abdullah’s oldest biological son and has been duly appointed as the personal representative of the Estate of Luqman A. Abdullah.
3. Abdullah is survived by his widow, Amina Abdullah, and ten biological children, Mujahid Carswell, Amatuallah Carswell, Maryam Carswell, Jamil Carswell, Asiyah Abdullah, Muhammad Abdullah, Shuaib Abdullah, Maimunah Abdullah, Zakiyyah Abdullah, and Zainab Abdullah.
4. Defendant Andrew G. Arena is former Special Agent in Charge of the Federal Bureau of Investigation, Detroit Division. Defendant Arena is being sued in his individual capacity.
5. Defendant George Nikolopolous is a member of the FBI-Detroit Special Weapons and Tactics Team (the “FBI-Detroit SWAT Team”) and the team leader in charge of the operations inside the warehouse that resulted in the death of Abdullah. Defendant Nikolopolous is being sued in his individual capacity.
6. Defendants Unidentified FBI Agent Nos. 1, 2, 3, and 4 (together the “Unidentified FBI Agents”) are employed by the Federal Bureau of Investigation (“FBI”), and are the four FBI agent shooters involved in the tactical operation inside the warehouse that resulted in the death of Abdullah. The Unidentified FBI Agents are being sued in their individual capacities.¹

¹ The original complaint included all unidentified FBI agents involved in the tactical operation that resulted in the death of Abdullah. The amended complaint narrows the unidentified FBI agents to the four unidentified FBI

7. The tactical operation included a combination of the FBI-Detroit SWAT Team, the FBI Detroit Joint Terrorism Task Force (the "FBI-Detroit JTTF"), the FBI Hostage Rescue Team (the "FBI HRT"), and the FBI canine team.
8. Upon information and belief, Unidentified FBI Agent No. 1 is the FBI HRT Team Leader.
9. Upon information and belief, Unidentified FBI Agent No. 2 is the FBI HRT K-9 ("Freddy") Handler.
10. Upon information and belief, Unidentified FBI Agent No. 3 is the FBI HRT K-9 ("Freddy") Cover.
11. Upon information and belief, Unidentified FBI Agent No. 4 is an FBI Detroit – SWAT Agent. The Unidentified FBI Agents are being sued in their individual capacities.

Jurisdiction and Venue

12. Under U.S. Const. Art. III §2, this Court has jurisdiction because the rights sought to be protected herein are secured by the United States Constitution.
13. Jurisdiction is proper pursuant to 28 U.S.C. § 1331, *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), and federal common law.
14. Additionally, a substantial part of the unlawful acts alleged herein were committed within the jurisdiction of the United States District Court for the Eastern District of Michigan.
15. Venue is proper under 42 U.S.C. § 1391(e) as to all Defendants because Defendants are officers of agencies of the United States sued in their individual capacities and because

shooters, who include the FBI K-9 handler that deployed the FBI K-9 to attack and maul Abdullah. Plaintiff therefore puts Defendants on notice that it may seek to amend this Complaint to add other unidentified FBI agents whose identities become known during discovery that were involved in the death of Abdullah and should be added to the Complaint.

this judicial district is where Plaintiff resides and where a substantial part of the events or omissions giving rise to the claims occurred.

Statute of Limitations

16. As the United States has admitted in its Response of the United States to the Court's Order of March 19, 2013 (ECF #11), the statute of limitations for Plaintiff's cause of action is three years. Dkt. 12.

17. For the reasons stated in paragraphs 53-79 below, Plaintiff's complaint is timely, and the statute of limitations for this instant action will expire next year on October 25, 2014.

18. As further alleged below, state law governs the timeliness of the instant action.

19. Pursuant to Michigan law, specifically, M.C.L.A. 600.5855, the time period for the statute of limitations is tolled for a cause of action whereby a Defendant engages in the fraudulent concealment of the existence of a cause of action and/or the identity of any person who is liable for the claim from the person entitled to sue.

20. Once a plaintiff discovers a cause of action and/or the identities persons liable for the claim, a plaintiff may bring the action within two years after discovery. M.C.L.A. 600.5855.

21. Plaintiff engaged in extensive Freedom of Information Act (FOIA) litigation, filing six lawsuits against six government agencies including the FBI, in an effort to determine the events that actually transpired that resulted Abdullah's death as well as to determine the identities of the Unidentified FBI Agents liable for the claims.

22. Each of the government agencies refused to release any information in connection with the events that resulted in Abdullah's death.

23. In this instant action, and as further alleged below, Plaintiff discovered a cause of action on October 25, 2012, which provides for a time period of two years thereafter (October 25, 2014) to initiate an action, rendering this action timely.

24. As further alleged below, Defendants engaged in the fraudulent concealment of the existence of a cause of action and the identities of the Unidentified FBI Agents liable for the claims.

Factual Background

25. On October 28, 2009, at approximately 12:04 p.m., Abdullah, along with four other men, were at a warehouse located at 5171 Miller Rd., Dearborn, Michigan.

26. Abdullah and the four men were loading boxes at a loading dock at the warehouse.

27. Upon information and belief, the warehouse was under the control of the FBI who leased the warehouse in an undercover capacity.

28. On October 28, 2009, at approximately 12:04 p.m., FBI agents set off noise and flash bang tactical diversionary devices that caused the disorientation of Abdullah and the other four men in the warehouse.

29. On October 28, 2009, at approximately 12:04 p.m., approximately twenty-eight FBI Agents consisting of the FBI-Detroit SWAT Team, the FBI-Detroit JTTF, the FBI HRT, and the FBI canine team (together "FBI tactical team"), including the four Unidentified FBI Agents, entered the warehouse and surrounded Abdullah and the four other men.

30. The members of the FBI tactical team were clothed in clearly marked tactical uniforms that read "FBI."

31. The FBI tactical team ordered the five men, including Abdullah, to "Get down on the ground!"

32. All five men, including Abdullah, immediately showed both of their hands and got down face down on the ground with their arms outstretched in front of them.

33. Abdullah and the four men did not pose a threat to the FBI tactical team or the Unidentified FBI Agents' safety.

34. Abdullah laid down inside a trailer facing eastward, the left side of his body closest to the entrance of the trailer.

35. Unidentified FBI Agent No. 1 deployed an FBI K-9 named "Freddy" into the trailer and in the direction of Abdullah.

36. Upon information and belief, Unidentified FBI Agent No. 1 ordered the FBI-K9 to attack and maul Abdullah.

37. The FBI K-9 repeatedly attacked and mauled Abdullah, causing severe injuries to his left arm, including, but not limited to, his elbow, back arm, inner arm, and forearm.

38. Abdullah rolled onto his right side and attempted to fend off the FBI K-9 with both of his hands in an attempt to protect himself and prevent the FBI K-9 from further mauling him.

39. As Abdullah struggled with the FBI K-9, Abdullah's body turned such that he was lying on his back and facing westward, the left side of his body closest to the entrance of the trailer.

40. The FBI K-9 repeatedly attacked and mauled Abdullah's face, causing severe injuries to, including but not limited to, his forehead, upper eyelid, left cheek, lower lip, lower jaw, and both hands.

41. The FBI K-9 tore off a denture device in the roof of Abdullah's mouth, and caused Abdullah's upper jaw to break.

42. Upon information and belief, while Abdullah was on his back and the FBI K-9 was repeatedly mauling, including but not limited to, his face, left arm, and hands, the Unidentified FBI Agents fired approximately twenty rounds at Abdullah.

43. The rounds were fired at, and not limited to, Abdullah's chest, abdomen, left hip, left leg, scrotum and back, causing his painful death.

44. The FBI tactical team failed to provide Abdullah with, and/or denied the provision of, proper medical attention.

45. The FBI K-9 was airlifted via FBI Medivac helicopter to the Veterinary Emergency Service Hospital in Madison Heights, Michigan, for medical attention.

46. The Operations Plan was reviewed and approved by Defendant Arena.

47. Defendant Arena was in the FBI Command Center approximately a half mile away from the warehouse where the operation commenced, and directed and supervised the FBI tactical team and the entire above-described operation that resulted in the death of Abdullah.

48. Defendant Nikolopolous was the FBI tactical team leader and in charge of the entire above-described operation inside the warehouse that resulted in the death of Abdullah.

49. Defendant Arena, Defendant Nikolopolous, and the Unidentified FBI Agents purposely, knowingly, recklessly, improperly and without cause used excessive force by deploying the FBI K-9 to attack and maul Abdullah and firing approximately twenty rounds at Abdullah, causing his wrongful death.

50. In a widely viewed documentary entitled "The Death of an Imam," described below, Defendant Arena stated that "I made the final decision to use that dog. That was the last decision I made."

51. A sworn affidavit signed by one of the four men, Muhammad Abdul Salaam, is referenced as an Exhibit to this Complaint.

52. Muhammad Abdul Salaam is an eyewitness to the events that resulted in Abdullah's death.

**Fraudulent Concealment of the Existence of a Cause of Action
and the Identities of Unidentified FBI Agents**

53. In an effort to try to escape liability in a highly publicized case, the FBI-Detroit Division, under the direction of Defendant Arena, engaged in a concerted effort to manipulate and conceal the evidence concerning the brutal death of Abdullah.

54. The same day Abdullah was killed, the FBI-Detroit Division issued a press release that grossly mischaracterized the events that transpired, stating that "Luqman Ameen Abdullah did not surrender and fired his weapon. An exchange of gun fire followed and Abdullah was killed. An FBI canine was also killed during the exchange."

55. By falsely claiming that Abdullah was armed, did not surrender, and fired his weapon, the FBI fraudulently concealed from Plaintiff the existence of a cause of action.

56. As a result of a number of settlement agreements reached with each of the government agencies not including the FBI, Plaintiff received over one thousand pages of evidence concerning Abdullah's death, including photographs, sketches, audio, police cam footage, and video footage.

57. The documents produced by the government agencies provided the names of all of the FBI agents involved in the tactical operation, however redacted the identities of only the Unidentified FBI Agents.

58. Moreover, because material evidence was withheld from local government agencies by the FBI, Plaintiff did not receive, from these local government agencies, material evidence that would have enabled Plaintiff to determine the existence of a cause of action.

59. A sworn affidavit signed by one of Plaintiff's counsel, Lena F. Masri, Esq., is referenced as an Exhibit to this Complaint.

60. Upon information and belief, the entire interior warehouse crime scene, including entry and exit control, were under the complete control of the FBI, Detroit Division until approximately 1:00 p.m.

61. Upon information and belief, during the time that the FBI had complete control of the interior warehouse crime scene, and pursuant to instructions by Defendant Arena, local police crime scene investigators and medical personnel were denied entry into the warehouse to assess the crime scene and provide medical treatment to Abdullah.

62. Upon information and belief, during the time that the FBI had complete control of the interior warehouse crime scene, Defendant Arena arranged for the evacuation of the Unidentified FBI Agents and their transport to FBI Headquarters.

63. Accordingly, the Unidentified FBI Agents were unavailable to provide witness statements to local police crime scene investigators.

64. Upon information and belief, during the time that the FBI had complete control of the interior warehouse crime scene, and pursuant to instructions by Defendant Arena, an alleged semi-automatic handgun was allegedly removed from the crime scene and taken to FBI Headquarters.

65. Accordingly, the alleged semi-automatic handgun was unavailable for forensic analysis by local crime scene investigators.

66. Upon information and belief, during the time that the FBI had complete control of the interior warehouse crime scene, and pursuant to instructions by Defendant Arena, FBI Agents removed all hard drives and video surveillance equipment from the warehouse before local crime scene investigators were allowed to gain access to the hard drives or view the video footage.

67. Upon information and belief, during the time that the FBI had complete control of the interior warehouse crime scene, and pursuant to instructions by Defendant Arena, the body of Abdullah was already moved to a different location inside the warehouse before local crime scene investigators and the medical examiner were allowed to gain access to the crime scene.

68. Moreover, subsequent to the shooting, Defendants continued to mischaracterize the events surrounding Abdullah's death by representing to the media, to the public, and to the Plaintiff that Abdullah was armed, that he fired in the direction of the FBI tactical team, and that the four Unidentified FBI Agents returned fire in self-defense.

69. For example, on October 13, 2010, the Department of Justice Civil Rights Division announced that it completed its review of the "circumstances relating to the shooting death of Imam Luqman Ameen Abdullah during an arrest conducted by the FBI on October 28, 2009." (Hereinafter, the "DOJ Report").

70. The first sentence of the DOJ Report reads: "On October 28, 2009, after Imam Luqman Ameen Abdullah fired a handgun toward FBI agents who were attempting to arrest him, four agents shot and killed Imam Abdullah."

71. Defendant Arena also appeared on a documentary film entitled "The Death of an Imam," to discuss the events surrounding the death of Abdullah.

72. The film premiered at the University of Michigan-Dearborn in October 2010. The documentary received a King Foundation Best of Festival award from the Broadcast Education Association in 2011, taking top honors in the category of Mixed Video (for student and faculty collaborations) as well. It was nominated for a regional Emmy Award in the category of historical films. The film has been screened in several festivals, at conferences and at universities in the United States and Canada. Festival screenings include Capital City Film Festival (East Lansing, Mich.); Detroit Windsor International Film Festival (Detroit, Mich./Windsor, Ont.); and the Islamic Society of North America Islamic Film Festival (Chicago, Ill.).

73. In this documentary, Defendant Arena stated “One person made a bad decision that day and it wasn’t me... I’m glad I did it... because... I probably would’ve lost at least one agent that day.”

74. Defendant Arena made these statements on a widely viewed documentary with the intent to mislead the media, the public and Plaintiff about the facts and circumstances surrounding Abdullah’s death.

75. However, due to Defendants’ efforts as described herein, it was not until four days before the expiration of the statute of limitations that Plaintiff learned and confirmed the existence of a cause of action.

76. On October 25, 2012, Muhammad Abdul Salaam, the only civilian eye witness to the events that resulted in Abdullah’s death, having been just released from prison, provided a sworn statement that is both consistent with forensic evidence and provides a version of events that directly contradicts the version of events provided by the FBI.

77. As shown above, Plaintiff exercised due diligence to determine the existence of a cause action and the identities of the Unidentified FBI Agents.

78. Yet, in an attempt to thwart Plaintiff, Defendants engaged in the ongoing fraudulent concealment of the existence of a cause of action and the identities of the Unidentified FBI Agents.

79. Therefore, because Plaintiff has filed the instant action within the statute of limitations, the statute of limitations is equitably tolled pursuant to M.C.L.A. 600.5855.

The Defendants Have Clear and Actual Notice of the Instant Action

80. The United States Attorney for the Eastern District of Michigan, the Attorney General of the United States and the Director of the FBI all were properly served with the Summons and Complaint and Jury Demand and have clear and actual notice regarding of the exact identities of the Unidentified FBI Agents listed as Defendants to the instant action as they are described with specificity as those FBI Agents that were involved in the tactical operation that resulted in the death of Abdullah.

81. Defendants have nonetheless failed to plead or otherwise defend themselves despite being properly served.

82. Plaintiff was prepared to file its Motion for Default Judgment on February 26, 2013.

83. That same day, counsel for Plaintiff received a letter from Assistant United States Attorney William L. Woodard requesting that Plaintiff set aside the Clerk's Entry of Default Against Unidentified FBI Agents, Dkt. 9, because the Unidentified FBI Agents were allegedly not required to respond to Plaintiff's Complaint.

84. The following day, counsel for Plaintiff, in a teleconference with Mr. Woodard, offered to set aside the default in exchange for the names of the Unidentified FBI Agents.

85. Counsel for Plaintiff further informed Mr. Woodard of Plaintiff's fraudulent concealment claim to explain that Plaintiff's claims were timely in light of its recent discovery of the wrongful death claim, among other claims.

86. Mr. Woodard agreed to accept service of a subpoena to discover the identities of the Unidentified FBI Agents if Plaintiff agrees to remove the default.

87. On March 19, 2013, Plaintiff filed a Motion to Voluntarily Set Aside Clerk's Entry of Default Against Unidentified FBI Agents. Dkt. 10.

88. On March 19, 2013, the Court ordered the "government to file with the Court, within 30 days of the date of this Order... answer(s) to Plaintiff's Complaint." Dkt. 11 (emphasis supplied) (the "Order").

89. The Court further stated in its Order that "it is unacceptable that neither the Office of the United States Attorney nor the Office of the Attorney General has filed an appearance or an answer to Plaintiff's Complaint for more than four months after being served." Dkt. 11.

90. The government's failure to answer the Complaint in violation of the Order is an ongoing fraudulent concealment of the existence of a cause of action and the identities of the Unidentified FBI Agents.

91. Instead, the United States filed what it titled "Response of the United States to the Court's Order of March 19, 2013 (ECF #11)," which sought a dismissal of Plaintiff's Complaint, on April 5, 2013. Dkt. 12.

92. Treating the Response of the United States as "a pleading to which a responsive pleading is required," as it is a thinly veiled motion to dismiss pursuant to Fed. R. Civ. P.

12(b)(6) and/or Fed. R. Civ. P. 56 and seeks a dismissal of Plaintiff's Complaint, Plaintiff now amends its Complaint as of right pursuant to Fed. R. Civ. P. 15a(1)(B).²

93. Despite the fact that its Complaint was sufficiently plead and with specificity with respect to the identities of the Unidentified FBI Agents, Plaintiff is filing this Amended Complaint to plead with even more specificity, the identities of the Unidentified FBI Agents.

COUNT I
Wrongful Death

94. Plaintiff hereby realleges and incorporates by reference the foregoing paragraphs of this Complaint as if fully set forth herein.

95. As stated more fully above, the actions of Defendant Arena, Defendant Nikolopolous, and the Unidentified FBI Agents on October 28, 2009, amount to excessive use of force and conduct so reckless and unreasonable as to demonstrate malicious and sadistic intent to cause injury or wrongful death to Abdullah, or substantial lack of concern for whether injury or wrongful death to Abdullah would result, in violation of the United States Constitution. *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), and M.C.L.A. 691.1407(2).

96. Defendant Arena, Defendant Nikolopolous, and the Unidentified FBI Agents owed Abdullah, the decedent, a duty to use due care under the United States Constitution, and the laws of the State of Michigan. *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), and M.C.L.A. 691.1407(2).

² Plaintiff will also file a Response to the Court's Order to Show Cause, dated April 16, 2013, on or before May 10, 2013, as ordered by the Court. Dkt. 15.

97. Defendant Arena, Defendant Nikolopolous, and the Unidentified FBI Agents violated that duty and other federal legal obligations by their excessive use of force and by demonstrating a deliberate indifference to whether Abdullah would suffer injury or wrongful death by deploying an FBI K-9 to attack and maul him and firing approximately twenty rounds at Abdullah, when he offered no resistance, thereby causing his death.

98. Defendant Arena, Defendant Nikolopolous, and the Unidentified FBI Agents intentionally and/or with reckless disregard failed to use such care and diligence to avoid Abdullah's injuries and wrongful death.

99. Abdullah suffered injuries and died as a direct and proximate result of the actions of Defendant Arena, Defendant Nikolopolous, and the Unidentified FBI Agents on October 28, 2009 described above.

100. By the actions of Defendant Arena, Defendant Nikolopolous, and the Unidentified FBI Agents on October 28, 2009 described above, Defendants breached the duty of care owed to Abdullah and proximately caused him to suffer economic and non-economic damages, including but not limited to, conscious pain and suffering, and pain and physical injuries, which ultimately resulted in his wrongful death.

101. Plaintiff, on behalf of the Estate of Luqman A. Abdullah, and all individuals entitled to damages under M.C.L.A. 691.1407(2), requests all damages that are fair and just, including, without limitation, the following:

- i. Reasonable medical, funeral and burial expenses;
- ii. Reasonable compensation for conscious pain and suffering, and pain and physical injuries, Abdullah suffered before his death; and,

- iii. Losses suffered by Abdullah's next of kin as result of Abdullah's death, including the loss of financial support, loss of services, loss of consortium, loss of gifts and other valuable gratuities, loss of parental training and guidance, loss of society and companionship, and all other losses suffered.

WHEREFORE, Plaintiff requests a judgment against Defendants for compensatory damages in whatever amount the jury finds necessary, and further demands a judgment against individual Defendants for punitive damages for whatever amount the jury finds necessary, plus all such other relief this Court deems just and equitable, including costs and attorneys' fees incurred in this action.

COUNT II

Violation of the Fourth and Fifth Amendments to the United States Constitution

102. Plaintiff hereby realleges and incorporates by reference the foregoing paragraphs of this Complaint as if fully set forth herein.

103. Defendants violated Plaintiff's constitutionally protected rights under the Fourth and Fifth Amendment to the United States Constitution, including, but not limited to, 1) the right to be free from the use of excessive force, 2) the right to liberty, personal safety, medical care and protection, and 3) the right not to be deprived of liberty and life without due process.

104. Defendant Arena, Defendant Nikolopolous, and the Unidentified FBI Agents violated their duty of care and other federal legal obligations by their excessive use of force and by demonstrating a deliberate indifference to whether Abdullah would suffer injury or wrongful death by deploying an FBI K-9 to attack and maul him and firing approximately twenty rounds at Abdullah, when he offered no resistance causing his wrongful death.

105. Defendant Arena, Defendant Nikolopolous, and the Unidentified FBI Agents knew or should have known that their acts were in violation of Abdullah's constitutional rights, including, but not limited to, the use of excessive force, the failure to provide for Abdullah's personal safety, and the failure to provide and/or allow the provision of proper medical attention to Abdullah, thereby proximately causing the loss of Abdullah's life.

106. Defendant Arena, Defendant Nikolopolous, and the Unidentified FBI Agents intentionally and/or with reckless disregard failed to use such care and diligence to avoid Abdullah's injuries and wrongful death.

107. Abdullah suffered injuries and died as a direct and proximate result of the actions of Defendant Arena, Defendant Nikolopolous, and the Unidentified FBI Agents on October 28, 2009 described above.

108. By the actions of Defendant Arena, Defendant Nikolopolous, and the Unidentified FBI Agents on October 28, 2009 described above, the Defendants proximately caused Abdullah to suffer economic and non-economic damages, including but not limited to, conscious pain and suffering, and pain and physical injuries, which ultimately resulted in his wrongful death.

109. Plaintiff, on behalf of the Estate of Luqman A. Abdullah, and all individuals entitled to damages under M.C.L.A. 691.1407(2), requests all damages that are fair and just, including, without limitation, the following:

- i. Reasonable medical, funeral and burial expenses;
- ii. Reasonable compensation for conscious pain and suffering, and pain and physical injuries, Abdullah suffered before his death; and,
- iii. Losses suffered by Abdullah's next of kin as result of Abdullah's death, including the loss of financial support, loss of services, loss of consortium, loss

of gifts and other valuable gratuities, loss of parental training and guidance, loss of society and companionship, and all other losses suffered.

WHEREFORE, Plaintiff requests a judgment against Defendants for compensatory damages in whatever amount the jury finds necessary, and further demands a judgment against individual Defendants for punitive damages for whatever amount the jury finds necessary, plus all such other relief this Court deems just and equitable, including costs and attorneys' fees incurred in this action.

Respectfully submitted,

AKEEL & VALENTINE, PLLC

/s/ Shereef Akeel
SHEREEF H. AKEEL (P54345)
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Phone: (248) 269-9595
shereef@akeelvalentine.com

COUNCIL ON AMERICAN-ISLAMIC
RELATIONS, MICHIGAN

/s/ Lena Masri
LENA F. MASRI (P73461)
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21700 Northwestern Hwy.,
Ste. 815
Southfield, MI 48075
Phone: (248) 559-2247
lmasri@cair.com

SWIFT & MCDONALD, P.S.

/s/ Charles Swift
CHARLES SWIFT (WA#: 41671)
Attorney for Plaintiff
1809 7th Avenue, Suite 1108
Seattle, WA 98101
Phone: (206) 204-5288
cswift@prolegaldefense.com

Dated: April 18, 2013

CERTIFICATE OF SERVICE

A copy of this Amended Complaint was electronically filed with the United States District Court, Eastern District of Michigan, on April 18, 2013.

/s/ Lena Masri
LENA F. MASRI (P73461)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ESTATE OF LUQMAN A. ABDULLAH,)	
by its personal representative,)	
MUJAHID CARSWELL,)	
)	Case No.
Plaintiff,)	Hon.
)	Magistrate:
v.)	
)	
UNIDENTIFIED FBI AGENTS, in their)	
individual capacities; jointly and severally;)	
)	
Defendants.)	

AFFADAVIT OF MUHAMMAD ABDUS SALAAM

STATE OF MICHIGAN)
 SS
COUNTY OF OAKLAND)

I, **Muhammad Abdus Salaam**, being first duly sworn, depose and say that:

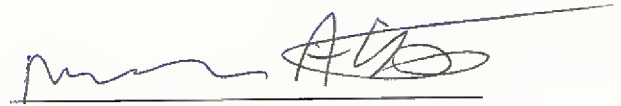
1. I currently reside at 9278 Genessee St., Detroit, Michigan 48206.
2. Upon information and belief, I have personal knowledge of and am competent to testify to all matters stated herein.
3. On the morning of October 28, 2009, Luqman Ameen Abdullah ("Abdullah") contacted me and told me that he had just woken up and that he was on his way to pick me up at my work. I was doing construction work on a roof.
4. Abdullah picked me up at my work at approximately 11:00 a.m., and we drove together to a warehouse located on 5171 Miller Rd., Dearborn, Michigan.

5. We arrived at the warehouse shortly before noon.
6. Abdul Saboor, Abdullah Beard, and Acie Pusha, were already present at the warehouse.
7. Two other men whom we knew as "Jibril" and "John," as well as a third man, all of whom later turned out to be confidential informants, were also present at the warehouse.
8. Abdul Saboor, Abdullah Beard, Acie Pusha, Abdullah and myself began loading boxes at a loading dock.
9. Suddenly, I heard three or four loud, ear-piercing bangs.
10. I, along with Abdullah and several others, immediately ran into the trailer to take cover.
11. I heard orders to "Get down on the ground!"
12. It was at this time that I noticed approximately thirty heavily armed FBI agents surround us from all sides.
13. I stepped out of the trailer and immediately complied by showing my hands and getting down on the ground.
14. I was positioned at an angle facing east and in such a way that I had a complete and unobstructed visual of the events that transpired next in the trailer.
15. I saw Abdullah comply by showing his hands and getting down on the ground.
16. Abdullah laid down flat on the ground inside of the trailer with his arms fully outstretched in front of him. Abdullah was also positioned facing east.
17. Abdullah was approximately 7 feet away from me.

18. I never heard orders to show our hands, and I never heard any mention of a dog that would be released if we did not comply.
19. Within a matter of two to three seconds, I saw a canine run in the direction of Abdullah and immediately start attacking him, including his face.
20. Abdullah turned over on his side and onto his back in an attempt to defend himself.
21. Abdullah held the canine with both of his hands and tried to pull it off of him to prevent it from attacking his face.
22. During the struggle, Abdullah's body turned such that Abdullah was now facing west and his left side was closer to the entrance to the trailer.
23. As Abdullah struggled to prevent the canine from attacking his face, and while Abdullah was on his back, the FBI agents began shooting at him.
24. I clearly saw Abdullah hold the canine with both of his hands.
25. Abdullah never pulled any weapon towards the canine or towards any of the FBI agents.
26. At no time during that day did I see Abdullah carry a gun or any other weapon.
27. At no time during that day did I or Abdullah talk to any of the three confidential informants.
28. At no time during that day was I or Abdullah anywhere near any of the confidential informants such that any of them could see whether Abdullah was carrying a weapon.

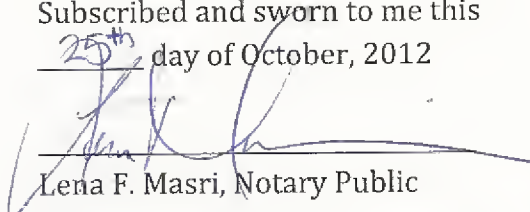
FURTHER AFFIANT SAYETH NOT.

Dated: 10-25-2012



Muhammad Abdus Salaam

Subscribed and sworn to me this
25th day of October, 2012



Lena F. Masri, Notary Public
Oakland County

My Commission Expires: 11/22/2017



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ESTATE OF LUQMAN A. ABDULLAH,
by its personal representative,
MUJAHID CARSWELL,

Plaintiff,

v.

ANDREW G. ARENA, former Special Agent
in Charge, Federal Bureau of Investigation,
Detroit Division, in his individual capacity;

GEORGE NIKOLOPOLOUS, Federal Bureau
of Investigation, Detroit Division, Special
Weapons and Tactics Team Special Agent,
in his individual capacity;

UNIDENTIFIED FBI AGENT NO. 1, Federal
Bureau of Investigation Hostage Rescue
Team Leader, in his individual capacity;

UNIDENTIFIED FBI AGENT NO. 2, Federal
Bureau of Investigation Hostage Rescue
Team K-9 ("Freddy") Handler, in his
individual capacity;

UNIDENTIFIED FBI AGENT NO. 3, Federal
Bureau of Investigation Hostage Rescue
Team K-9 ("Freddy") Cover, in his individual
capacity;

UNIDENTIFIED FBI AGENT NO. 4, Federal
Bureau of Investigation Hostage Rescue
Team, Special Weapons and Tactics Team
Special Agent, in his individual capacity;
jointly and severally;

Defendants.

Case No. 12-CV-14766

Hon. Lawrence P. Zatkoff

Magistrate: Michael Hluchaniuk

AFFIDAVIT OF LENA F. MASRI, ESQ.

Lena F. Masri, Esq., being sworn, says:

1. I am an attorney for Plaintiff in this action.
2. I have personal knowledge of and am competent to testify to all matters stated herein.
3. On or about February 1, 2010, I filed a detailed request on behalf of Plaintiff with the Federal Bureau of Investigation (FBI), pursuant to the Freedom of Information/Privacy Act, asking for public records concerning the death of Abdullah.
4. On May 21, 2010, the FBI responded with a total, blanket denial, refusing to disclose any document, and stated as follows:

The information you seek relates to a matter under investigation by the Department. Accordingly, the information is presently exempt from public disclosure under section 13(1)(b)(i) and (ii) of the FOIA, MCL 15.243(1)(b)(i)-(ii), where the disclosure of the law enforcement investigative records would interfere with law enforcement proceedings, and could further deprive a person of the right to a fair trial or impartial administrative adjudication.

5. On March 25, 2010, I filed a second detailed request on behalf of Plaintiff with the Federal Bureau of Investigation (FBI), pursuant to the Freedom of Information/Privacy Act, asking for public records concerning the death of Abdullah.
6. On August 9, 2010, the FBI responded with a total, blanket denial, refusing to disclose any document, and stated as follows:

The requested records are law enforcement records that relate to a pending law enforcement proceeding and release of these

records "could reasonably be expected to interfere with the enforcement proceedings."

7. On October 28, 2010, I filed a lawsuit against the FBI to compel disclosure of the public records requested. *Council on American-Islamic Relations, Michigan, et al. v. Federal Bureau of Investigation*, Case No. 10-cv-14337, United States District Court, Eastern District of Michigan.
8. On January 19, 2011, the FBI filed a Motion to Dismiss the lawsuit.
9. On June 10, 2011, a stipulated order to dismiss the Complaint was filed after an assessment by our legal team that there was a high likelihood we would not succeed in the case based on the representations made by the FBI in its Motion and due to a pending internal investigation of the FBI.
10. On October 13, 2010, the Department of Justice announced that its office had concluded its investigation and released a report of its findings to the public.
11. The report redacted the identities of the FBI Agents involved in the tactical operation that resulted in the killing of Abdullah.
12. That same day, Thomas E. Perez, Assistant Attorney General for the Civil Rights Division of the Department of Justice, and Barry Kowalksi, Special Legal Counsel, met with myself and members of the family of Abdullah.
13. I requested that the Department of Justice release the information redacted in the report and evidence that has been suppressed in connection with the killing of Abdullah.

14. Mr. Perez responded that I would need to send another detailed request, pursuant to the Freedom of Information/Privacy Act, directed to the Civil Rights Division of the Department of Justice.
15. Mr. Perez stated that because the investigation was concluded, the documents responsive to the request would be released.
16. On October 20, 2010, pursuant to instructions by Mr. Perez, I filed a detailed request on behalf of Plaintiff with the Civil Rights Division of the Department of Justice pursuant to the Freedom of Information/Privacy Act, asking for public records concerning the death of Abdullah.
17. On November 15, 2010, I was contacted by Mr. Kowalski *via* telephone. During the phone call, he stated that he received a copy of my request and forwarded it to FBI Headquarters along with a recommendation in writing that the FBI provide the responsive documents.
18. On December 8, 2010, the FBI responded with a total, blanket denial, refusing to disclose any document, and stated that the documents are located:

...in an investigative file which is exempt from disclosure pursuant to 5 U.S.C. Sec. 552(b)(7)B).
19. On December 29, 2010, the FBI again responded with a total, blanket denial, refusing to disclose any document, and stated that:

... the records [] requested pertain to open Department of Justice enforcement action, access to the Civil Rights Division records should be denied pursuant to Sec. 522(b)(7)(A) since disclosure thereof could reasonably be expected to interfere with ongoing law enforcement proceedings.

20. On or about February 1, 2010, I filed a detailed request on behalf of Plaintiff with the Michigan State Police, pursuant to the Michigan Freedom of Information Act, asking for public records concerning the death of Abdullah.
21. On or about February 3, 2010, the Michigan State Police responded with a total, blanket denial, refusing to disclose any document, and stated as follows:

To the best of the Department's knowledge, information, and belief, under the information provided by you or by any other description reasonably known to the Department, the public reports do not exist within the Department.
22. On or about March 25, 2010, I filed a second detailed request with the Michigan State Police, pursuant to the Michigan Freedom of Information Act, asking for public records concerning the death of Abdullah.
23. On or about April 2, 2010, the Michigan State Police again responded with a total, blanket denial, refusing to disclose any document, and stated as follows:

To the best of the Department's knowledge, information, and belief, under the information provided by you or by any other description reasonably known to the Department, the public reports do not exist within the Department.
24. On August 3, 2010, I filed a lawsuit against the Michigan State Police to compel disclosure of the public records requested. *Council on American-Islamic Relations, Michigan, et al. v. Michigan Department of State Police*, Case No. 10-008845-CZ, Wayne County Circuit Court.
25. On January 31, 2011, a stipulated order to dismiss the Complaint was filed after receiving video footage and other documents concerning the death of Abdullah.

26. None of the documents received from the Michigan State Police contained the identities of the FBI Agents involved in the tactical operation that resulted in the killing of Abdullah.
27. On or about February 1, 2010, I filed a detailed request on behalf of Plaintiff with the City of Dearborn, pursuant to the Michigan Freedom of Information Act, asking for public records concerning the death of Abdullah.
28. The City of Dearborn did not respond to the request within the time limit prescribed by MCL Sec. 15.235(2).
29. On or about March 25, 2010, I filed a second detailed request with the City of Dearborn, pursuant to the Michigan Freedom of Information Act, asking for public records concerning the death of Abdullah.
30. The City of Dearborn again did not respond to the request within the time limit prescribed by MCL Sec. 15.235(2).
31. On August 9, 2010, I filed a lawsuit against the City of Dearborn to compel disclosure of the public records requested. *Council on American-Islamic Relations, Michigan, et al. v. City of Dearborn*, Case No. 10-009052-CZ, Wayne County Circuit Court.
32. On June 14, 2011, a stipulated order to dismiss the Complaint was filed after receiving over one thousand pages of documents, including photographs, video footage, police camera footage and audio concerning the death of Abdullah.
33. None of the documents received from the City of Dearborn contained the identities of the FBI Agents involved in the tactical operation that resulted in the killing of Abdullah.

34. On or about February 1, 2010, I filed a detailed request on behalf of Plaintiff with the City of Detroit, pursuant to the Michigan Freedom of Information Act, asking for public records concerning the death of Abdullah.
35. On or about February 4, 2010, I filed an addendum to the request that requested "the names of all officers, units, and/or taskforces involved."
36. On or about March 11, 2010, the City of Detroit responded with a total, blanket denial, refusing to disclose any document, and stated as follows:

Specifically, based upon information provide [sic] by DPD, it is our understanding that the records you seek are maintained by the Federal Bureau of Investigations ("FBI"). The FBI is a separate legal entity. Therefore, you must contact them directly.
37. On or about March 25, 2010, I filed a second detailed request with the City of Detroit, pursuant to the Michigan Freedom of Information Act, asking for public records concerning the death of Abdullah.
38. The City of Detroit did not respond to the request within the time limit prescribed by MCL Sec. 15.235(2).
39. On August 9, 2010, I filed a lawsuit against the City of Detroit to compel disclosure of the public records requested. *Council on American-Islamic Relations, Michigan, et al. v. City of Detroit*, Case No. 10-009053-CZ, Wayne County Circuit Court.
40. On June 14, 2011, a stipulated order to dismiss the Complaint was filed after receiving several documents concerning the death of Abdullah.
41. None of the documents received from the City of Detroit contained the identities of the FBI Agents involved in the tactical operation that resulted in the killing of Abdullah.

42. On or about May 4, 2010, I filed a detailed request on behalf of Plaintiff with the Michigan State Attorney General, pursuant to the Michigan Freedom of Information Act, asking for public records concerning the death of Abdullah.
43. On or about May 13, 2010, the Michigan State Attorney General responded with a total, blanket denial, refusing to disclose any document, and stated as follows:

The information you seek relates to a matter under investigation by the Department. Accordingly, the information is presently exempt from public disclosure under section 13(1)(b)(i) and (ii) of the FOIA, MCL 15.243(1)(b)(i)-(ii), where the disclosure of the law enforcement investigative records would interfere with law enforcement proceedings, and could further deprive a person of the right to a fair trial or impartial administrative adjudication.
44. On September 30, 2010, the Michigan State Attorney General announced that its office had concluded its investigation and released a report of its findings to the public. Therefore, the exemption cited in Defendant's response was no longer applicable.
45. The Michigan State Attorney General did not respond to the request within the time limit prescribed by MCL Sec. 15.235(2).
46. On October 28, 2010, I filed a lawsuit against the Michigan State Attorney General to compel disclosure of public records. *Council on American-Islamic Relations, Michigan, et al. v. State of Michigan, Department of Attorney General*, Case No. 10-012685-CZ, Wayne County Circuit Court.
47. On March 14, 2011, a stipulated order to dismiss the Complaint was filed after receiving several documents concerning the death of Abdullah.

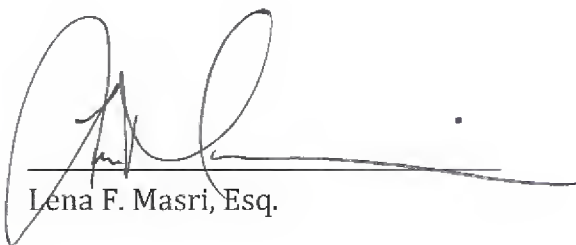
48. None of the documents received from the Michigan State Attorney General contained the identities of the FBI Agents involved in the tactical operation that resulted in the killing of Abdullah.
49. On or about March 29, 2010, I filed a detailed request on behalf of Plaintiff with the Wayne County Sheriff's Office, pursuant to the Michigan Freedom of Information Act, asking for public records concerning the death of Abdullah.
50. The Wayne County Sheriff's Office did not respond to the request within the time limit prescribed by MCL Sec. 15.235(2).
51. On October 6, 2010, I filed a lawsuit against the Wayne County Sheriff's Office to compel disclosure of the public records requested. *Council on American-Islamic Relations, Michigan, et al. v. Wayne County Sheriff's Office*, Case No. 10-011590-CZ, Wayne County Circuit Court.
52. On March 9, 2011, a stipulated order to dismiss the Complaint was filed after receiving several documents concerning the death of Abdullah.
53. None of the documents received from the Wayne County Sheriff's Office contained the identities of the FBI Agents involved in the tactical operation that resulted in the killing of Abdullah.
54. I participated in several press conferences, alongside family members of Abdullah, community leaders, and government officials, including United States Congressman John Conyers, Jr., and publicly demanded that the Department of Justice initiate a complete, thorough and transparent civil rights investigation into the death of Abdullah and release its complete findings to the family and to the

public so that the truth regarding the events surrounding the death Abdullah would be known.


55. These press conferences were covered by major media outlets, including, but not limited to HBO, FOX, CBS, Al Jazeera, the Associated Press, National Public Radio, WWJ Radio, the Detroit Free Press, and the Detroit News.

FURTHER AFFIANT SAYETH NOT.

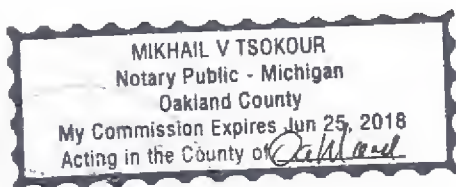
Dated: March 19, 2013


Lena F. Masri, Esq.

Subscribed and sworn to me this
19th day of March, 2013


Oakland, Notary Public
Oakland County

My Commission Expires: 06/25/18



UNCLASSIFIED

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/31/2011

To: Inspection

Attn: AD Amy Jo Lyons

From: Inspection

Office of Inspections

Contact: [REDACTED] Extension [REDACTED]

Approved By: Lyons Amy Jo [REDACTED]
Love Jennifer Smith [REDACTED]

Drafted By: [REDACTED] llh

Case ID #: 297-HQ-A1271480-D 47

Title: SHOOTING INCIDENT
DETROIT DIVISION
10/28/2009

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Synopsis: The Shooting Incident Review Group (SIRG) reviewed a shooting incident that occurred on 10/28/2009, involving Detroit Special Weapons and Tactics (SWAT) Special Agent (SA) [REDACTED] [REDACTED] Critical Incident Response Group (CIRG), Hostage Rescue Team (HRT) Supervisory Special Agent (SSA) [REDACTED] and HRT SAs [REDACTED] and [REDACTED]. During the execution of federal arrest warrants, the four Agents returned fire killing a subject who fired three rounds in their direction and resulted in the death of an HRT K-9. SIRG members unanimously concluded that the use of deadly force by the Agents was justified and no administrative action should be taken against any Agent involved in this shooting incident.

Administrative: Reference report of Inspector Kenneth L. Moore, dated 12/17/2009.

Details: This communication was prepared to furnish the analysis, comments, and recommendations of the SIRG with reference to the captioned shooting.

Details of the Shooting Incident

On 10/28/2009, during the execution of federal arrest warrants at a planned undercover meeting, Lugman Ameen Abdullah, also know as Christopher Thomas, was shot and killed by members

UNCLASSIFIED

To: Inspection From: Inspection
Re: 297-HQ-A1271480-D, 03/31/2011

of the Detroit Division SWAT team and the CIRG, HRT. Four Agents returned fire after the subject fired three rounds from his Glock nine millimeter weapon in the direction of the Agents which resulted in the death of an HRT K-9.

Abdullah was the leader of a nationwide radical fundamentalist Sunni group whose primary mission was to establish an "Ummah," a separate Islamic state inside the United States governed by Shariah Law. Investigation revealed Abdullah and his followers, many of whom were convicted felons, trained regularly in the use of firearms, martial arts, and sword fighting. Additionally, investigation determined Abdullah advocated violence against the government and law enforcement.

In October 2008, the Detroit Division initiated an Undercover Operation (UCO) targeting Abdullah who, along with his associates, were knowingly involved in receiving and selling stolen property from interstate shipments.

On 10/21/2009, a briefing regarding the impending arrests of Abdullah and his associates was held at an [REDACTED] [REDACTED] The briefing was held to review the operations order, tactical assignments, and conduct rehearsals of possible arrest scenarios [REDACTED]

[REDACTED] Additional v. [REDACTED]
Acting Associate Division Counsel SA [REDACTED]
[REDACTED], Assistant Special Agent in Charge (ASAC) [REDACTED] provided Special Agent in Charge (SAC) Andrew G. Arena with a summary and progress of the plan. SAC Arena requested that ASAC [REDACTED] determine if any alternative methods of conducting the arrests or locations for conducting the arrests provided a safer scenario. ASAC [REDACTED] directed SSA [REDACTED] and the Detroit SWAT Team to explore other options for the arrests for consideration by SAC Arena.

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On 10/22/2009, ASAC [REDACTED] SSA [REDACTED] SA [REDACTED] [REDACTED] and SWAT Senior Team Leader (STL) [REDACTED] met with SAC Arena to discuss [REDACTED]

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Re: 297-HQ-A1271480-D, 03/31/2011

[REDACTED]

On 10/23/2009, Detroit management and two HRT SSAs met at the Detroit Field Office [REDACTED] the HRT SSAs believed the plan was tactically sound and reasonable. Believing additional [REDACTED]

[REDACTED] ASAC [REDACTED] and HRT SSA [REDACTED] advised SAC Arena of the HRT's assessment and obtained SAC Arena's approval [REDACTED] SAC Arena also made an official request for HRT assistance.

On 10/26/2009, STL [REDACTED] briefed the updated operational plan to the SWAT Team and HRT members which included [REDACTED]

[REDACTED] At the conclusion of the briefing, SWAT and HRT participants [REDACTED]

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On 10/27/2009, an all participant briefing was held to review the operations order, assignments, contingency plans, and the FBI's Deadly Force Policy. Following the briefing, an executive briefing regarding the arrest plan was provided to senior members of the Dearborn Police Department (DPD), Detroit PD, and the Wayne County Sheriff's Office.

On the evening of 10/27/2009, ASAC [REDACTED] received an email message from case Agent [REDACTED] regarding new information obtained from [REDACTED]

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To: Inspection From: Inspection
Re: 297-HQ-A1271480-D, 03/31/2011

On 10/28/2009, at approximately 8:00 a.m., Detroit SWAT and HRT teams assembled at the designated staging area. STL [REDACTED] conducted a mission brief and received brief backs [REDACTED]

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[REDACTED] Prior to the departure of assembled personnel, SAC Arena addressed the group reminding them to have trigger and mission discipline and remain focused on their assignments.

At approximately 9:30 a.m., the tactical teams were transported covertly to [REDACTED]

[REDACTED] At the completion of the briefing, SWAT and HRT operators proceeded to their assigned positions in the warehouse awaiting the arrival of the subjects.

At approximately 11:45 a.m., Abdullah and four companions arrived at the warehouse [REDACTED]

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STL [REDACTED] assumed control of the scene and began counting down from five. When the count reached one, HRT SA [REDACTED] detonated diversionary devices and STL [REDACTED] instructed the arrest team to "execute." The tactical teams quickly exited their rooms and moved to cover positions. The

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UNCLASSIFIED

To: Inspection From: Inspection
Re: 297-HQ-A1271480-D, 03/31/2011

diversionary devices startled and disoriented the subjects who attempted to find hiding places and/or exit the warehouse through a locked door. All of the subjects were forced to return to the immediate loading dock area of the warehouse.

At the command, "shields up," three shield teams advanced forward while the K-9 team moved forward toward the north wall, in the direction of the subjects. As the arrest team moved forward, loud and repetitive commands of "FBI, get down," were given. As the K-9 team reached the end of the counter near the trailer bay doors, the remainder of the arrest team cleared the danger areas and formed a half circle. According to the participants, repeated loud and clear verbal commands were given to the subjects, identifying the arrest team as FBI and instructing the subjects to assume a prone position with their hands visible. As the commands were given, three of the five subjects assumed prone positions in front of the trailer containing the televisions. A fourth subject laid prone behind a pallet partially loaded with televisions; however, Abdullah continued to disobey law enforcement commands. He moved into the trailer containing the televisions, peering out as arrest team members approached. As law enforcement personnel continued shouting commands, Abdullah moved into a prone position hiding his hands beneath his body. Law enforcement personnel instructed Abdullah to expose his hands and was told if he continued to disobey commands, a dog would be released. Abdullah maintained his position with his hands tucked underneath his body. HRT SA [redacted] was told to move up with HRT K-9 "Freddy." SSA [redacted] and SA [redacted] moved forward with SA [redacted] to serve as his cover team.

After Abdullah failed to comply with additional commands, SA [redacted] released "Freddy" towards Abdullah. "Freddy" bit the subject in the upper portion of his left arm and the palm of his left hand. SA [redacted] observed what appeared to be a Glock pistol in Abdullah's right hand and yelled "gun, gun." Abdullah fired three rounds, striking the K-9 at least twice. Fearing for their lives as well as the safety of other team members, four arrest team members returned fire striking Abdullah with each round.

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SAs [redacted] and [redacted] moved into the trailer to secure Abdullah. Rolling him onto his chest and handcuffing him, SA [redacted] recovered the subject's weapon and SA [redacted] cleared the weapon. At that time, SA [redacted] a SWAT Operator/Tactical EMT, conducted an initial assessment and advised Abdullah was deceased. The remaining four subjects were handcuffed and turned over to the prisoner handling team.

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Shortly after the shooting incident, STL [REDACTED] advised the Command Post/Tactical Operations Center and the arrest team members at the scene that Abdullah and "Freddy" had been shot, five subjects were in custody and a MEDIVAC was needed for the K-9. "Freddy" was transported via HRT helicopter to the Veterinarian Emergency Service for treatment; however, he died as a result of his injuries.

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STL [REDACTED] controlled the scene and arranged for members of the HVA to respond to the warehouse to assess the subject. HVA responded at approximately 12:17 p.m.; however, they were initially prohibited from entering the scene for approximately ten minutes by the DPD who had units controlling the perimeter. DPD units were not familiar with the HVA's role and were unaware they had been contracted by the FBI to provide emergency medical services. SA [REDACTED] subsequently noticed the HVA was waiting to gain access to the scene and arranged for HVA Paramedics to enter the warehouse. Paramedics determined the subject was deceased and assessed there was no need to attempt resuscitation.

On 10/30/2009, Wayne County Prosecuting Attorney [REDACTED] was briefed on the incident. [REDACTED] recused her office based on the long-term federal nature of the investigation, classified portions of the investigation, and her belief that her office would not have complete access to possible federal grand jury or Title III information. Prosecuting Attorney [REDACTED] requested the Office of the Attorney General for the State of Michigan conduct an investigation.

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On 11/04/2009, Inspector Moore and DPD command staff met with the Bureau Chief of the Michigan Attorney General's Office and provided a briefing of the incident to him and staff members. A second meeting was scheduled for 11/09/2009, to allow a representative of the Attorney General's Office to review signed sworn statements and other evidence.

On 10/13/2010, the Civil Rights Division, United States Department of Justice, concluded no federally prosecutable civil rights violation associated with the evidence existed.

On 12/07/2010, the SIRG met to discuss the above-captioned shooting incident. Chief Inspector Donald E. Oswald, Office of Inspections (OI), Inspection Division (INSD), chaired the meeting and was a non-voting member. The following voting members were in attendance: [REDACTED] Trial Attorney, Civil Rights Division, USDOJ; [REDACTED] Trial Attorney, Criminal Division, USDOJ; Assistant Section Chief (SC) [REDACTED] Violent Crimes Section, Criminal Investigative Division; Unit

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Chief (UC) [redacted] Firearms Training Unit, Training Division (TD); UC [redacted] Defensive Systems Unit, TD; UC [redacted] Special Weapons and Tactics Operations Unit, Critical Incident Response Group; SSA [redacted] Investigative Law Unit, Office of General Counsel (OGC); SSA [redacted] Evidence Response Team Unit (ERTU), Laboratory Division (LD); SSA [redacted] Practical Applications Unit, TD; and SSA [redacted] CR-2, Washington Field Office. Inspectors Eric S. Birnbaum and Kenneth L. Moore attended to present the Kansas City and Detroit shootings to board members. The following non-voting members were also in attendance: Inspector April D. Brooks, OI, INSD; SSA [redacted] ERTU, LD; SSA [redacted] Legal Instruction Unit, OGC; UC [redacted], Strategic Analysis Section (SAS), Inspection Management Unit (IMU), INSD; UC [redacted] SAS, Inspection Analysis Unit (IAU), INSD; Management and Program Analysts (MPAs) [redacted] SAS, IAU; [redacted] Special Advisor, INSD; [redacted] SAS, IMU, INSD; and [redacted] SAS, IMU, INSD.

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Observations and Recommendations of the SIRC

The SIRC reviewed the above synopsis incident with the intent to: (1) evaluate the application of deadly force; (2) provide the Director with an evaluative analysis, observations, and recommendations for corrective actions from an operational standpoint (if any); (3) provide recommendations concerning training and/or safety issues; and (4) provide recommendations for administrative action if deemed necessary.

Inspector Kenneth L. Moore, who conducted the shooting investigation, provided SIRC attendees an in-depth review of the incident, including video taken during the operation.

SIRC members unanimously concurred that the use of deadly force by the Agents was justified and in conformance with the FBI's Deadly Force Policy. This resulted in the recommendation that no administrative action should be taken against SSA [redacted] SA [redacted] SA [redacted] and SA [redacted] as a result of their involvement in this shooting incident.

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SIRC members unanimously adopted the following observation/ instruction identified by the Shooting Incident Review Team (SIRT):

OBSERVATION #1: SA [redacted] SIRC, HRT, did not wear his issued ballistic vest during the operation as mandated by Bureau policy.

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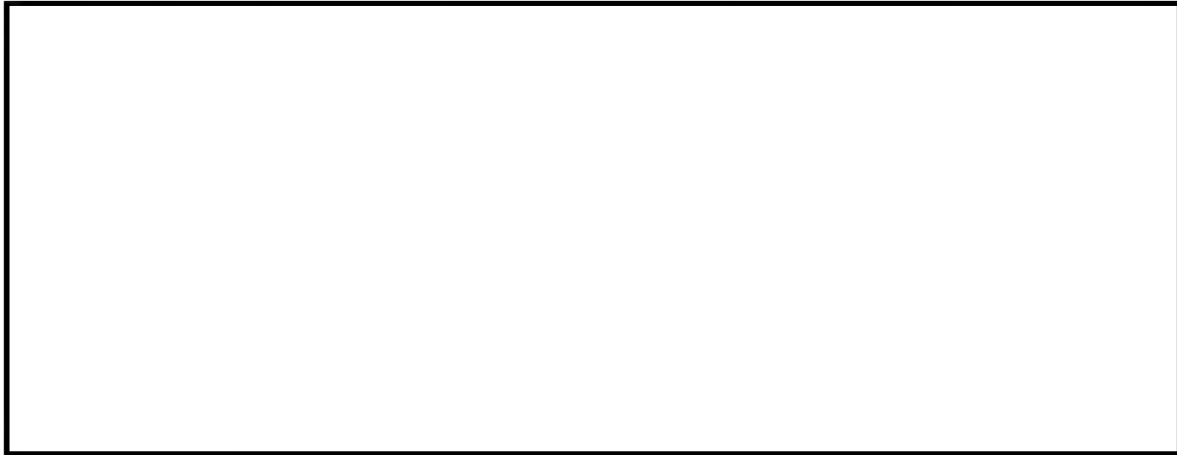
The Manual of Investigative Operations and Guidelines (MIOG) states "Wearing of body armor by SA personnel is mandatory during planned arrests, execution of search warrants and surveillances which can reasonably be expected to culminate in a confrontation with armed and dangerous subject(s)."

INSTRUCTION: That Assistant Director (AD), CIRG, ensure all HRT Operators comply with the MIOG requirement if sniper operator's role changes in a mission.

This matter will be discussed with the AD, CIRG, to ensure future compliance.

Additional areas of discussion centered around [REDACTED]

[REDACTED] as well as the utilization of less than lethal force methods during the apprehension of subjects.



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A second DOJ representative noted the operator had no cover and questioned why an available ballistic shield was not used during the operation. Members advised that once deadly force is applicable, a shield protects the person holding the shield but does not protect all persons involved. The second comment made by the attendee pertained to less than lethal options that could have been used instead of deadly force. Members emphasized the fact that use of a canine was a less lethal option and the distance was too large for the user of tasers.

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To: Inspection From: Inspection
Re: 297-HQ-A1271480-D, 03/31/2011

LEAD(s) :

Set Lead 1: (Action)

INSPECTION

AT WASHINGTON, DC

That no administrative action be taken against SSA [REDACTED]
[REDACTED] SA [REDACTED] SA [REDACTED] and SA
[REDACTED] as a result of their use of deadly force
in this shooting incident.

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1 - Mr. Murphy, Room 7142
1 - Mr. Harrington, Room 7142
1 - Ms. Caproni, Room 7427
1 - [REDACTED] USDOJ
1 - [REDACTED] USDOJ
1 - Mr. Johnson, Room 3280
 (Attention: [REDACTED])
1 - [REDACTED] Quantico
1 - [REDACTED] Quantico
 (Attention: [REDACTED])
1 - [REDACTED] Quantico
1 - [REDACTED] Quantico
1 - [REDACTED] Laboratory
1 - [REDACTED] WFO
1 - [REDACTED] Room 6387
1 - [REDACTED] Room 3043

♦♦

UNCLASSIFIED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ESTATE OF LUQMAN A. ABDULLAH,
by its personal representative,
MUJAHID CARSWELL,

Plaintiff,

v.

ANDREW G. ARENA, former Special Agent
in Charge, Federal Bureau of Investigation,
Detroit Division, in his individual capacity;

GEORGE NIKOLOPOLOUS, Federal Bureau
of Investigation, Detroit Division, Special
Weapons and Tactics Team Special Agent,
in his individual capacity;

UNIDENTIFIED FBI AGENT NO. 1, Federal
Bureau of Investigation Hostage Rescue
Team Leader, in his individual capacity;

UNIDENTIFIED FBI AGENT NO. 2, Federal
Bureau of Investigation Hostage Rescue
Team K-9 ("Freddy") Handler, in his
individual capacity;

UNIDENTIFIED FBI AGENT NO. 3, Federal
Bureau of Investigation Hostage Rescue
Team K-9 ("Freddy") Cover, in his individual
capacity;

UNIDENTIFIED FBI AGENT NO. 4, Federal
Bureau of Investigation Hostage Rescue
Team, Special Weapons and Tactics Team
Special Agent, in his individual capacity;
jointly and severally;

Defendants.

Case No. 12-CV-14766
Hon. Lawrence P. Zatkoff
Magistrate: Michael Hluchaniuk

AMENDED COMPLAINT

Plaintiff, ESTATE OF LUQMAN AMEEN ABDULLAH, through its personal representative, MUJAHID CARSWELL, and by its undersigned counsel, states as follows:

Parties

1. The decedent, Luqman A. Abdullah (“Abdullah”), was a resident of Wayne County, and was at all times relevant, a citizen of the United States.
2. Mujahid Carswell is Abdullah’s oldest biological son and has been duly appointed as the personal representative of the Estate of Luqman A. Abdullah.
3. Abdullah is survived by his widow, Amina Abdullah, and ten biological children, Mujahid Carswell, Amatuallah Carswell, Maryam Carswell, Jamil Carswell, Asiyah Abdullah, Muhammad Abdullah, Shuaib Abdullah, Maimunah Abdullah, Zakiyyah Abdullah, and Zainab Abdullah.
4. Defendant Andrew G. Arena is former Special Agent in Charge of the Federal Bureau of Investigation, Detroit Division. Defendant Arena is being sued in his individual capacity.
5. Defendant George Nikolopolous is a member of the FBI-Detroit Special Weapons and Tactics Team (the “FBI-Detroit SWAT Team”) and the team leader in charge of the operations inside the warehouse that resulted in the death of Abdullah. Defendant Nikolopolous is being sued in his individual capacity.
6. Defendants Unidentified FBI Agent Nos. 1, 2, 3, and 4 (together the “Unidentified FBI Agents”) are employed by the Federal Bureau of Investigation (“FBI”), and are the four FBI agent shooters involved in the tactical operation inside the warehouse that resulted in the death of Abdullah. The Unidentified FBI Agents are being sued in their individual capacities.¹

¹ The original complaint included all unidentified FBI agents involved in the tactical operation that resulted in the death of Abdullah. The amended complaint narrows the unidentified FBI agents to the four unidentified FBI

7. The tactical operation included a combination of the FBI-Detroit SWAT Team, the FBI Detroit Joint Terrorism Task Force (the "FBI-Detroit JTTF"), the FBI Hostage Rescue Team (the "FBI HRT"), and the FBI canine team.

8. Upon information and belief, Unidentified FBI Agent No. 1 is the FBI HRT Team Leader.

9. Upon information and belief, Unidentified FBI Agent No. 2 is the FBI HRT K-9 ("Freddy") Handler.

10. Upon information and belief, Unidentified FBI Agent No. 3 is the FBI HRT K-9 ("Freddy") Cover.

11. Upon information and belief, Unidentified FBI Agent No. 4 is an FBI Detroit – SWAT Agent. The Unidentified FBI Agents are being sued in their individual capacities.

Jurisdiction and Venue

12. Under U.S. Const. Art. III §2, this Court has jurisdiction because the rights sought to be protected herein are secured by the United States Constitution.

13. Jurisdiction is proper pursuant to 28 U.S.C. § 1331, *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), and federal common law.

14. Additionally, a substantial part of the unlawful acts alleged herein were committed within the jurisdiction of the United States District Court for the Eastern District of Michigan.

15. Venue is proper under 42 U.S.C. § 1391(e) as to all Defendants because Defendants are officers of agencies of the United States sued in their individual capacities and because

shooters, who include the FBI K-9 handler that deployed the FBI K-9 to attack and maul Abdullah. Plaintiff therefore puts Defendants on notice that it may seek to amend this Complaint to add other unidentified FBI agents whose identities become known during discovery that were involved in the death of Abdullah and should be added to the Complaint.

this judicial district is where Plaintiff resides and where a substantial part of the events or omissions giving rise to the claims occurred.

Statute of Limitations

16. As the United States has admitted in its Response of the United States to the Court's Order of March 19, 2013 (ECF #11), the statute of limitations for Plaintiff's cause of action is three years. Dkt. 12.

17. For the reasons stated in paragraphs 53-79 below, Plaintiff's complaint is timely, and the statute of limitations for this instant action will expire next year on October 25, 2014.

18. As further alleged below, state law governs the timeliness of the instant action.

19. Pursuant to Michigan law, specifically, M.C.L.A. 600.5855, the time period for the statute of limitations is tolled for a cause of action whereby a Defendant engages in the fraudulent concealment of the existence of a cause of action and/or the identity of any person who is liable for the claim from the person entitled to sue.

20. Once a plaintiff discovers a cause of action and/or the identities persons liable for the claim, a plaintiff may bring the action within two years after discovery. M.C.L.A. 600.5855.

21. Plaintiff engaged in extensive Freedom of Information Act (FOIA) litigation, filing six lawsuits against six government agencies including the FBI, in an effort to determine the events that actually transpired that resulted Abdullah's death as well as to determine the identities of the Unidentified FBI Agents liable for the claims.

22. Each of the government agencies refused to release any information in connection with the events that resulted in Abdullah's death.

23. In this instant action, and as further alleged below, Plaintiff discovered a cause of action on October 25, 2012, which provides for a time period of two years thereafter (October 25, 2014) to initiate an action, rendering this action timely.

24. As further alleged below, Defendants engaged in the fraudulent concealment of the existence of a cause of action and the identities of the Unidentified FBI Agents liable for the claims.

Factual Background

25. On October 28, 2009, at approximately 12:04 p.m., Abdullah, along with four other men, were at a warehouse located at 5171 Miller Rd., Dearborn, Michigan.

26. Abdullah and the four men were loading boxes at a loading dock at the warehouse.

27. Upon information and belief, the warehouse was under the control of the FBI who leased the warehouse in an undercover capacity.

28. On October 28, 2009, at approximately 12:04 p.m., FBI agents set off noise and flash bang tactical diversionary devices that caused the disorientation of Abdullah and the other four men in the warehouse.

29. On October 28, 2009, at approximately 12:04 p.m., approximately twenty-eight FBI Agents consisting of the FBI-Detroit SWAT Team, the FBI-Detroit JTTF, the FBI HRT, and the FBI canine team (together "FBI tactical team"), including the four Unidentified FBI Agents, entered the warehouse and surrounded Abdullah and the four other men.

30. The members of the FBI tactical team were clothed in clearly marked tactical uniforms that read "FBI."

31. The FBI tactical team ordered the five men, including Abdullah, to "Get down on the ground!"

32. All five men, including Abdullah, immediately showed both of their hands and got down face down on the ground with their arms outstretched in front of them.

33. Abdullah and the four men did not pose a threat to the FBI tactical team or the Unidentified FBI Agents' safety.

34. Abdullah laid down inside a trailer facing eastward, the left side of his body closest to the entrance of the trailer.

35. Unidentified FBI Agent No. 1 deployed an FBI K-9 named "Freddy" into the trailer and in the direction of Abdullah.

36. Upon information and belief, Unidentified FBI Agent No. 1 ordered the FBI-K9 to attack and maul Abdullah.

37. The FBI K-9 repeatedly attacked and mauled Abdullah, causing severe injuries to his left arm, including, but not limited to, his elbow, back arm, inner arm, and forearm.

38. Abdullah rolled onto his right side and attempted to fend off the FBI K-9 with both of his hands in an attempt to protect himself and prevent the FBI K-9 from further mauling him.

39. As Abdullah struggled with the FBI K-9, Abdullah's body turned such that he was lying on his back and facing westward, the left side of his body closest to the entrance of the trailer.

40. The FBI K-9 repeatedly attacked and mauled Abdullah's face, causing severe injuries to, including but not limited to, his forehead, upper eyelid, left cheek, lower lip, lower jaw, and both hands.

41. The FBI K-9 tore off a denture device in the roof of Abdullah's mouth, and caused Abdullah's upper jaw to break.

42. Upon information and belief, while Abdullah was on his back and the FBI K-9 was repeatedly mauling, including but not limited to, his face, left arm, and hands, the Unidentified FBI Agents fired approximately twenty rounds at Abdullah.

43. The rounds were fired at, and not limited to, Abdullah's chest, abdomen, left hip, left leg, scrotum and back, causing his painful death.

44. The FBI tactical team failed to provide Abdullah with, and/or denied the provision of, proper medical attention.

45. The FBI K-9 was airlifted via FBI Medivac helicopter to the Veterinary Emergency Service Hospital in Madison Heights, Michigan, for medical attention.

46. The Operations Plan was reviewed and approved by Defendant Arena.

47. Defendant Arena was in the FBI Command Center approximately a half mile away from the warehouse where the operation commenced, and directed and supervised the FBI tactical team and the entire above-described operation that resulted in the death of Abdullah.

48. Defendant Nikolopolous was the FBI tactical team leader and in charge of the entire above-described operation inside the warehouse that resulted in the death of Abdullah.

49. Defendant Arena, Defendant Nikolopolous, and the Unidentified FBI Agents purposely, knowingly, recklessly, improperly and without cause used excessive force by deploying the FBI K-9 to attack and maul Abdullah and firing approximately twenty rounds at Abdullah, causing his wrongful death.

50. In a widely viewed documentary entitled "The Death of an Imam," described below, Defendant Arena stated that "I made the final decision to use that dog. That was the last decision I made."

51. A sworn affidavit signed by one of the four men, Muhammad Abdul Salaam, is referenced as an Exhibit to this Complaint.

52. Muhammad Abdul Salaam is an eyewitness to the events that resulted in Abdullah's death.

**Fraudulent Concealment of the Existence of a Cause of Action
and the Identities of Unidentified FBI Agents**

53. In an effort to try to escape liability in a highly publicized case, the FBI-Detroit Division, under the direction of Defendant Arena, engaged in a concerted effort to manipulate and conceal the evidence concerning the brutal death of Abdullah.

54. The same day Abdullah was killed, the FBI-Detroit Division issued a press release that grossly mischaracterized the events that transpired, stating that "Luqman Ameen Abdullah did not surrender and fired his weapon. An exchange of gun fire followed and Abdullah was killed. An FBI canine was also killed during the exchange."

55. By falsely claiming that Abdullah was armed, did not surrender, and fired his weapon, the FBI fraudulently concealed from Plaintiff the existence of a cause of action.

56. As a result of a number of settlement agreements reached with each of the government agencies not including the FBI, Plaintiff received over one thousand pages of evidence concerning Abdullah's death, including photographs, sketches, audio, police cam footage, and video footage.

57. The documents produced by the government agencies provided the names of all of the FBI agents involved in the tactical operation, however redacted the identities of only the Unidentified FBI Agents.

58. Moreover, because material evidence was withheld from local government agencies by the FBI, Plaintiff did not receive, from these local government agencies, material evidence that would have enabled Plaintiff to determine the existence of a cause of action.

59. A sworn affidavit signed by one of Plaintiff's counsel, Lena F. Masri, Esq., is referenced as an Exhibit to this Complaint.

60. Upon information and belief, the entire interior warehouse crime scene, including entry and exit control, were under the complete control of the FBI, Detroit Division until approximately 1:00 p.m.

61. Upon information and belief, during the time that the FBI had complete control of the interior warehouse crime scene, and pursuant to instructions by Defendant Arena, local police crime scene investigators and medical personnel were denied entry into the warehouse to assess the crime scene and provide medical treatment to Abdullah.

62. Upon information and belief, during the time that the FBI had complete control of the interior warehouse crime scene, Defendant Arena arranged for the evacuation of the Unidentified FBI Agents and their transport to FBI Headquarters.

63. Accordingly, the Unidentified FBI Agents were unavailable to provide witness statements to local police crime scene investigators.

64. Upon information and belief, during the time that the FBI had complete control of the interior warehouse crime scene, and pursuant to instructions by Defendant Arena, an alleged semi-automatic handgun was allegedly removed from the crime scene and taken to FBI Headquarters.

65. Accordingly, the alleged semi-automatic handgun was unavailable for forensic analysis by local crime scene investigators.

66. Upon information and belief, during the time that the FBI had complete control of the interior warehouse crime scene, and pursuant to instructions by Defendant Arena, FBI Agents removed all hard drives and video surveillance equipment from the warehouse before local crime scene investigators were allowed to gain access to the hard drives or view the video footage.

67. Upon information and belief, during the time that the FBI had complete control of the interior warehouse crime scene, and pursuant to instructions by Defendant Arena, the body of Abdullah was already moved to a different location inside the warehouse before local crime scene investigators and the medical examiner were allowed to gain access to the crime scene.

68. Moreover, subsequent to the shooting, Defendants continued to mischaracterize the events surrounding Abdullah's death by representing to the media, to the public, and to the Plaintiff that Abdullah was armed, that he fired in the direction of the FBI tactical team, and that the four Unidentified FBI Agents returned fire in self-defense.

69. For example, on October 13, 2010, the Department of Justice Civil Rights Division announced that it completed its review of the "circumstances relating to the shooting death of Imam Luqman Ameen Abdullah during an arrest conducted by the FBI on October 28, 2009." (Hereinafter, the "DOJ Report").

70. The first sentence of the DOJ Report reads: "On October 28, 2009, after Imam Luqman Ameen Abdullah fired a handgun toward FBI agents who were attempting to arrest him, four agents shot and killed Imam Abdullah."

71. Defendant Arena also appeared on a documentary film entitled "The Death of an Imam," to discuss the events surrounding the death of Abdullah.

72. The film premiered at the University of Michigan-Dearborn in October 2010. The documentary received a King Foundation Best of Festival award from the Broadcast Education Association in 2011, taking top honors in the category of Mixed Video (for student and faculty collaborations) as well. It was nominated for a regional Emmy Award in the category of historical films. The film has been screened in several festivals, at conferences and at universities in the United States and Canada. Festival screenings include Capital City Film Festival (East Lansing, Mich.); Detroit Windsor International Film Festival (Detroit, Mich./Windsor, Ont.); and the Islamic Society of North America Islamic Film Festival (Chicago, Ill.).

73. In this documentary, Defendant Arena stated “One person made a bad decision that day and it wasn’t me... I’m glad I did it... because... I probably would’ve lost at least one agent that day.”

74. Defendant Arena made these statements on a widely viewed documentary with the intent to mislead the media, the public and Plaintiff about the facts and circumstances surrounding Abdullah’s death.

75. However, due to Defendants’ efforts as described herein, it was not until four days before the expiration of the statute of limitations that Plaintiff learned and confirmed the existence of a cause of action.

76. On October 25, 2012, Muhammad Abdul Salaam, the only civilian eye witness to the events that resulted in Abdullah’s death, having been just released from prison, provided a sworn statement that is both consistent with forensic evidence and provides a version of events that directly contradicts the version of events provided by the FBI.

77. As shown above, Plaintiff exercised due diligence to determine the existence of a cause action and the identities of the Unidentified FBI Agents.

78. Yet, in an attempt to thwart Plaintiff, Defendants engaged in the ongoing fraudulent concealment of the existence of a cause of action and the identities of the Unidentified FBI Agents.

79. Therefore, because Plaintiff has filed the instant action within the statute of limitations, the statute of limitations is equitably tolled pursuant to M.C.L.A. 600.5855.

The Defendants Have Clear and Actual Notice of the Instant Action

80. The United States Attorney for the Eastern District of Michigan, the Attorney General of the United States and the Director of the FBI all were properly served with the Summons and Complaint and Jury Demand and have clear and actual notice regarding of the exact identities of the Unidentified FBI Agents listed as Defendants to the instant action as they are described with specificity as those FBI Agents that were involved in the tactical operation that resulted in the death of Abdullah.

81. Defendants have nonetheless failed to plead or otherwise defend themselves despite being properly served.

82. Plaintiff was prepared to file its Motion for Default Judgment on February 26, 2013.

83. That same day, counsel for Plaintiff received a letter from Assistant United States Attorney William L. Woodard requesting that Plaintiff set aside the Clerk's Entry of Default Against Unidentified FBI Agents, Dkt. 9, because the Unidentified FBI Agents were allegedly not required to respond to Plaintiff's Complaint.

84. The following day, counsel for Plaintiff, in a teleconference with Mr. Woodard, offered to set aside the default in exchange for the names of the Unidentified FBI Agents.

85. Counsel for Plaintiff further informed Mr. Woodard of Plaintiff's fraudulent concealment claim to explain that Plaintiff's claims were timely in light of its recent discovery of the wrongful death claim, among other claims.

86. Mr. Woodard agreed to accept service of a subpoena to discover the identities of the Unidentified FBI Agents if Plaintiff agrees to remove the default.

87. On March 19, 2013, Plaintiff filed a Motion to Voluntarily Set Aside Clerk's Entry of Default Against Unidentified FBI Agents. Dkt. 10.

88. On March 19, 2013, the Court ordered the "government to file with the Court, within 30 days of the date of this Order... answer(s) to Plaintiff's Complaint." Dkt. 11 (emphasis supplied) (the "Order").

89. The Court further stated in its Order that "it is unacceptable that neither the Office of the United States Attorney nor the Office of the Attorney General has filed an appearance or an answer to Plaintiff's Complaint for more than four months after being served." Dkt. 11.

90. The government's failure to answer the Complaint in violation of the Order is an ongoing fraudulent concealment of the existence of a cause of action and the identities of the Unidentified FBI Agents.

91. Instead, the United States filed what it titled "Response of the United States to the Court's Order of March 19, 2013 (ECF #11)," which sought a dismissal of Plaintiff's Complaint, on April 5, 2013. Dkt. 12.

92. Treating the Response of the United States as "a pleading to which a responsive pleading is required," as it is a thinly veiled motion to dismiss pursuant to Fed. R. Civ. P.

12(b)(6) and/or Fed. R. Civ. P. 56 and seeks a dismissal of Plaintiff's Complaint, Plaintiff now amends its Complaint as of right pursuant to Fed. R. Civ. P. 15a(1)(B).²

93. Despite the fact that its Complaint was sufficiently plead and with specificity with respect to the identities of the Unidentified FBI Agents, Plaintiff is filing this Amended Complaint to plead with even more specificity, the identities of the Unidentified FBI Agents.

COUNT I
Wrongful Death

94. Plaintiff hereby realleges and incorporates by reference the foregoing paragraphs of this Complaint as if fully set forth herein.

95. As stated more fully above, the actions of Defendant Arena, Defendant Nikolopolous, and the Unidentified FBI Agents on October 28, 2009, amount to excessive use of force and conduct so reckless and unreasonable as to demonstrate malicious and sadistic intent to cause injury or wrongful death to Abdullah, or substantial lack of concern for whether injury or wrongful death to Abdullah would result, in violation of the United States Constitution. *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), and M.C.L.A. 691.1407(2).

96. Defendant Arena, Defendant Nikolopolous, and the Unidentified FBI Agents owed Abdullah, the decedent, a duty to use due care under the United States Constitution, and the laws of the State of Michigan. *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), and M.C.L.A. 691.1407(2).

² Plaintiff will also file a Response to the Court's Order to Show Cause, dated April 16, 2013, on or before May 10, 2013, as ordered by the Court. Dkt. 15.

97. Defendant Arena, Defendant Nikolopolous, and the Unidentified FBI Agents violated that duty and other federal legal obligations by their excessive use of force and by demonstrating a deliberate indifference to whether Abdullah would suffer injury or wrongful death by deploying an FBI K-9 to attack and maul him and firing approximately twenty rounds at Abdullah, when he offered no resistance, thereby causing his death.

98. Defendant Arena, Defendant Nikolopolous, and the Unidentified FBI Agents intentionally and/or with reckless disregard failed to use such care and diligence to avoid Abdullah's injuries and wrongful death.

99. Abdullah suffered injuries and died as a direct and proximate result of the actions of Defendant Arena, Defendant Nikolopolous, and the Unidentified FBI Agents on October 28, 2009 described above.

100. By the actions of Defendant Arena, Defendant Nikolopolous, and the Unidentified FBI Agents on October 28, 2009 described above, Defendants breached the duty of care owed to Abdullah and proximately caused him to suffer economic and non-economic damages, including but not limited to, conscious pain and suffering, and pain and physical injuries, which ultimately resulted in his wrongful death.

101. Plaintiff, on behalf of the Estate of Luqman A. Abdullah, and all individuals entitled to damages under M.C.L.A. 691.1407(2), requests all damages that are fair and just, including, without limitation, the following:

- i. Reasonable medical, funeral and burial expenses;
- ii. Reasonable compensation for conscious pain and suffering, and pain and physical injuries, Abdullah suffered before his death; and,

- iii. Losses suffered by Abdullah's next of kin as result of Abdullah's death, including the loss of financial support, loss of services, loss of consortium, loss of gifts and other valuable gratuities, loss of parental training and guidance, loss of society and companionship, and all other losses suffered.

WHEREFORE, Plaintiff requests a judgment against Defendants for compensatory damages in whatever amount the jury finds necessary, and further demands a judgment against individual Defendants for punitive damages for whatever amount the jury finds necessary, plus all such other relief this Court deems just and equitable, including costs and attorneys' fees incurred in this action.

COUNT II

Violation of the Fourth and Fifth Amendments to the United States Constitution

102. Plaintiff hereby realleges and incorporates by reference the foregoing paragraphs of this Complaint as if fully set forth herein.

103. Defendants violated Plaintiff's constitutionally protected rights under the Fourth and Fifth Amendment to the United States Constitution, including, but not limited to, 1) the right to be free from the use of excessive force, 2) the right to liberty, personal safety, medical care and protection, and 3) the right not to be deprived of liberty and life without due process.

104. Defendant Arena, Defendant Nikolopolous, and the Unidentified FBI Agents violated their duty of care and other federal legal obligations by their excessive use of force and by demonstrating a deliberate indifference to whether Abdullah would suffer injury or wrongful death by deploying an FBI K-9 to attack and maul him and firing approximately twenty rounds at Abdullah, when he offered no resistance causing his wrongful death.

105. Defendant Arena, Defendant Nikolopolous, and the Unidentified FBI Agents knew or should have known that their acts were in violation of Abdullah's constitutional rights, including, but not limited to, the use of excessive force, the failure to provide for Abdullah's personal safety, and the failure to provide and/or allow the provision of proper medical attention to Abdullah, thereby proximately causing the loss of Abdullah's life.

106. Defendant Arena, Defendant Nikolopolous, and the Unidentified FBI Agents intentionally and/or with reckless disregard failed to use such care and diligence to avoid Abdullah's injuries and wrongful death.

107. Abdullah suffered injuries and died as a direct and proximate result of the actions of Defendant Arena, Defendant Nikolopolous, and the Unidentified FBI Agents on October 28, 2009 described above.

108. By the actions of Defendant Arena, Defendant Nikolopolous, and the Unidentified FBI Agents on October 28, 2009 described above, the Defendants proximately caused Abdullah to suffer economic and non-economic damages, including but not limited to, conscious pain and suffering, and pain and physical injuries, which ultimately resulted in his wrongful death.

109. Plaintiff, on behalf of the Estate of Luqman A. Abdullah, and all individuals entitled to damages under M.C.L.A. 691.1407(2), requests all damages that are fair and just, including, without limitation, the following:

- i. Reasonable medical, funeral and burial expenses;
- ii. Reasonable compensation for conscious pain and suffering, and pain and physical injuries, Abdullah suffered before his death; and,
- iii. Losses suffered by Abdullah's next of kin as result of Abdullah's death, including the loss of financial support, loss of services, loss of consortium, loss

of gifts and other valuable gratuities, loss of parental training and guidance, loss of society and companionship, and all other losses suffered.

WHEREFORE, Plaintiff requests a judgment against Defendants for compensatory damages in whatever amount the jury finds necessary, and further demands a judgment against individual Defendants for punitive damages for whatever amount the jury finds necessary, plus all such other relief this Court deems just and equitable, including costs and attorneys' fees incurred in this action.

Respectfully submitted,

AKEEL & VALENTINE, PLLC

/s/ Shereef Akeel
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COUNCIL ON AMERICAN-ISLAMIC
RELATIONS, MICHIGAN

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Dated: April 18, 2013

CERTIFICATE OF SERVICE

A copy of this Amended Complaint was electronically filed with the United States District Court, Eastern District of Michigan, on April 18, 2013.

/s/ Lena Masri
LENA F. MASRI (P73461)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ESTATE OF LUQMAN A. ABDULLAH,)	
by its personal representative,)	
MUJAHID CARSWELL,)	
)	Case No.
Plaintiff,)	Hon.
)	Magistrate:
v.)	
)	
UNIDENTIFIED FBI AGENTS, in their)	
individual capacities; jointly and severally;)	
)	
Defendants.)	

AFFADAVIT OF MUHAMMAD ABDUS SALAAM

STATE OF MICHIGAN)
 SS
COUNTY OF OAKLAND)

I, **Muhammad Abdus Salaam**, being first duly sworn, depose and say that:

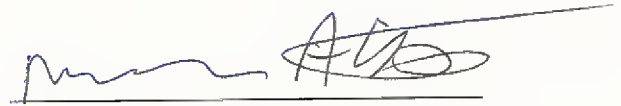
1. I currently reside at 9278 Genessee St., Detroit, Michigan 48206.
2. Upon information and belief, I have personal knowledge of and am competent to testify to all matters stated herein.
3. On the morning of October 28, 2009, Luqman Ameen Abdullah ("Abdullah") contacted me and told me that he had just woken up and that he was on his way to pick me up at my work. I was doing construction work on a roof.
4. Abdullah picked me up at my work at approximately 11:00 a.m., and we drove together to a warehouse located on 5171 Miller Rd., Dearborn, Michigan.

5. We arrived at the warehouse shortly before noon.
6. Abdul Saboor, Abdullah Beard, and Acie Pusha, were already present at the warehouse.
7. Two other men whom we knew as "Jibril" and "John," as well as a third man, all of whom later turned out to be confidential informants, were also present at the warehouse.
8. Abdul Saboor, Abdullah Beard, Acie Pusha, Abdullah and myself began loading boxes at a loading dock.
9. Suddenly, I heard three or four loud, ear-piercing bangs.
10. I, along with Abdullah and several others, immediately ran into the trailer to take cover.
11. I heard orders to "Get down on the ground!"
12. It was at this time that I noticed approximately thirty heavily armed FBI agents surround us from all sides.
13. I stepped out of the trailer and immediately complied by showing my hands and getting down on the ground.
14. I was positioned at an angle facing east and in such a way that I had a complete and unobstructed visual of the events that transpired next in the trailer.
15. I saw Abdullah comply by showing his hands and getting down on the ground.
16. Abdullah laid down flat on the ground inside of the trailer with his arms fully outstretched in front of him. Abdullah was also positioned facing east.
17. Abdullah was approximately 7 feet away from me.

18. I never heard orders to show our hands, and I never heard any mention of a dog that would be released if we did not comply.
19. Within a matter of two to three seconds, I saw a canine run in the direction of Abdullah and immediately start attacking him, including his face.
20. Abdullah turned over on his side and onto his back in an attempt to defend himself.
21. Abdullah held the canine with both of his hands and tried to pull it off of him to prevent it from attacking his face.
22. During the struggle, Abdullah's body turned such that Abdullah was now facing west and his left side was closer to the entrance to the trailer.
23. As Abdullah struggled to prevent the canine from attacking his face, and while Abdullah was on his back, the FBI agents began shooting at him.
24. I clearly saw Abdullah hold the canine with both of his hands.
25. Abdullah never pulled any weapon towards the canine or towards any of the FBI agents.
26. At no time during that day did I see Abdullah carry a gun or any other weapon.
27. At no time during that day did I or Abdullah talk to any of the three confidential informants.
28. At no time during that day was I or Abdullah anywhere near any of the confidential informants such that any of them could see whether Abdullah was carrying a weapon.

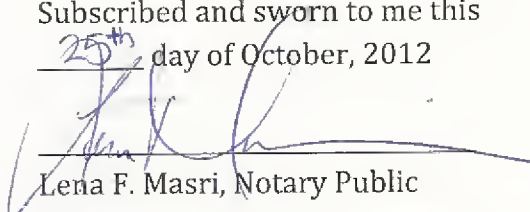
FURTHER AFFIANT SAYETH NOT.

Dated: 10-25-2012



Muhammad Abdus Salaam

Subscribed and sworn to me this
25th day of October, 2012



Lena F. Masri, Notary Public
Oakland County

My Commission Expires: 11/22/2017

